

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Oliver Kilian et al

**APPLICATION NO.:** 12/581,812

**FILING DATE:** October 19, 2009

**TITLE:** Homologous Recombination in an Algal Nuclear Genome

**EXAMINER:**

**ART UNIT:** 1642

**CONFIRMATION NO.:** 3337

**ATTY. DKT. NO.:** PA4893US

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**AMENDED STATEMENT OF SPECIAL STATUS  
IN SUPPORT OF RECONSIDERATION OF PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

The Applicants respectfully request the Examiner advance the present application out of turn for examination (accelerated examination) through the submission of the present petition. This petition is presented in accordance with 37 C.F.R. § 1.102(c)(2)(ii) and the conditions set forth for such a petition as detailed in MPEP § 708.02(VI) and 74 Fed. Reg. 234 (8 Dec. 2009), pp. 64666-64669.

**I. Requirements and Conditions**

1. The present application is a non-reissue, non-provisional utility application filed under 35 U.S.C. § 111(a). In addition, the present application was filed on October 19, 2009, which is prior to December 8, 2009.

2. A revised preliminary amendment is submitted under 37 C.F.R. § 1.121 concurrent herewith. Upon entry of the preliminary amendment, the present application will have no more than twenty claims, including no more than three independent claims.
3. The present application is classified under USPC 435/471.
4. The present petition is being filed electronically before December 8, 2010.
5. Based on a review of the status of the application as reflected in the Patent Application Information Retrieval (PAIR) system, the Applicants believe that no first action has issued as of the date of the present petition.

## **II. Eligibility under MPEP § 708.02(VI)**

MPEP § 708.02(VI) notes that the U.S. Patent and Trademark Office will, on petition, accord "special" status to all patent applications for inventions which materially contribute to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources, or (C) the reduction of greenhouse gases. MPEP § 708.02(VI).

As noted in the invention summary, the present application provides exemplary transformation methods for introducing deoxyribonucleic acid (DNA) into the nucleus of an algal cell. In exemplary embodiments, the sequence of DNA of interest may comprise an antibiotic resistance marker, a promoter sequence and an antibiotic resistance marker, or a gene for nutrient assimilation or biosynthesis of a metabolite. A phenotypic characteristic of the algal cell may be changed or new characteristics may be imparted to the algal cell. According to a further exemplary embodiment, the sequence of DNA of interest may further comprise DNA to compromise or destroy wild-type functioning of a gene for nutrient assimilation or biosynthesis of a metabolite.



As noted in the cross-reference to related applications, the present application is related to U.S. Non-Provisional Patent Application Serial No. 12/480,635 filed on June 8, 2009, titled "VCP-Based Vectors for Algal Cell Transformation," which is hereby incorporated by reference. As noted in the invention summary of Application Serial No. 12/480,635, transformation of *Nannochloropsis* via the described procedures is useful for the production of biofuels. Amended claim 19 as submitted herewith, recites the algal cell is of algal genus *Nannochloropsis* for the production of biofuels.

Additionally, as algae, such as *Nannochloropsis* is inherently photosynthetic, consuming carbon dioxide and producing oxygen, the application herein contributes to the increased reduction of greenhouse gases.

The Applicants therefore believe that the present application is thus eligible for special status.

### III. Conclusion

The Applicants believe that this Petition to Make Special has met all requirements set forth by 37 C.F.R. § 1.102(c)(2)(ii), MPEP § 708.02(VI), and 74 Fed. Reg. 234 (8 Dec. 2009), pp. 64666-64669. The Applicants therefore respectfully request the petition be granted.

Respectfully submitted,  
Oliver Kilian et al

August 9, 2010

By:           /K. Brian Bathurst/            
K. Brian Bathurst, Reg. No. 51,442  
**Carr & Ferrell LLP**  
2200 Geng Road  
Palo Alto, California 94303  
Phone (650) 812-3486  
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**REIVSED PRELIMINARY AMENDMENT**

Prior to examination of the present application, please amend the claims as follows:

## LISTING OF THE CLAIMS

Please amend the claims as follows. The following listing of the claims replaces all previous listings of the claims.

1. (Original) A transformation method for introducing deoxyribonucleic acid (DNA) into the nucleus of an algal cell, the method comprising:  
preparing a transformation construct, the transformation construct having a first sequence of DNA similar to a corresponding first sequence of nuclear DNA, the transformation construct having a second sequence of DNA similar to a corresponding second sequence of the nuclear DNA, the transformation construct having a sequence of DNA of interest inserted between the first and second sequences of DNA of the transformation construct, and  
transforming a target sequence of DNA inserted between the first and second corresponding sequences of the nuclear DNA, resulting in replacement of the target sequence of DNA with the sequence of DNA of interest.
2. (Original) The method of claim 1, wherein the sequence of DNA of interest separates the first and second sequences of DNA similar to the corresponding respective first and second sequence of the nuclear DNA by approximately 4.5 kb.
3. (Original) The method of claim 1, wherein either the first or second sequence of DNA similar to the corresponding respective first or second sequence of the nuclear DNA comprises approximately 1000 base pairs (bps).

4. (Original) The method of claim 1, wherein either the first or second sequence of DNA similar to the corresponding respective first or second sequence of the nuclear DNA comprises approximately less than 1000 bps.
5. (Original) The method of claim 1, wherein either the first or second sequence of DNA similar to the corresponding respective first or second sequence of the nuclear DNA comprises approximately greater than 1000 bps.
6. (Original) The method of claim 1, wherein either the first or second sequence of DNA similar to the corresponding respective first or second sequence of the nuclear DNA comprises approximately greater than 10,000 bps.
7. (Original) The method of claim 1, wherein the sequence of DNA of interest further comprises a regulatory or promoter sequence.
8. (Original) The method of claim 7, wherein the promoter is uni-directional or bi-directional.
9. (Canceled)
10. (Original) The method of claim 1, wherein the sequence of DNA of interest further comprises a promoter sequence and an antibiotic resistance marker.
11. (Original) The method of claim 1, wherein the sequence of DNA of interest further comprises a gene for nutrient assimilation or biosynthesis of a metabolite.

12. (Original) The method of claim 11, wherein the gene codes for nitrate reductase or nitrite reductase.
13. (Original) The method of claim 1, wherein the sequence of DNA of interest is approximately 0 bps, resulting in deletion or near deletion of the target sequence of DNA.
14. (Canceled).
15. (Original) The method of claim 1, wherein the sequence of DNA of interest is transcribed but does not encode a polypeptide.
16. (Original) The method of claim 1, wherein the sequence of DNA of interest encodes a peptide that is added to a peptide encoded by either the first or the second sequence of nuclear DNA.
17. (Original) The method of claim 1, wherein the sequence of DNA of interest encodes a non-coding regulatory DNA sequence.
18. (Canceled).
19. (Currently amended) The method of claim 1, wherein the algal cell is of algal genus *Nannochloropsis* for the production of biofuels.
20. (Original) The method of claim 1, wherein the algal cell is haploid.

21. (Original) The method of claim 1, the method further comprising:  
changing a phenotypic characteristic of the algal cell or imparting new  
characteristics to the algal cell.
22. (Original) The method of claim 1, wherein the first sequence of DNA  
similar to the corresponding first sequence of the nuclear DNA has a first length  
in base pairs which does not equal a second length in base pairs of the second  
sequence of DNA similar to the corresponding second sequence of the nuclear  
DNA.
23. (Original) The method of claim 1, wherein the target sequence of DNA is  
less than 1 kb.
- 24 – 40 (Canceled).

## CONCLUSION

Claim 19 has been amended to recite wherein the algal cell is of algal genus *Nannochloropsis* for the production of biofuels. As noted in the cross-reference to related applications, the present application is related to U.S. Non-Provisional Patent Application Serial No. 12/480,635 filed on June 8, 2009, titled “VCP-Based Vectors for Algal Cell Transformation,” which is hereby incorporated by reference. As noted in the invention summary of Application Serial No. 12/480,635, transformation of *Nannochloropsis* via the described procedures is useful for the production of biofuels. Amended claim 19 as submitted herewith, recites the algal cell is of algal genus *Nannochloropsis* for the production of biofuels.

Claims 9, 14, 18, and 24-40 have been cancelled.

The Examiner is invited to contact the Applicants’ undersigned representative with any questions concerning this matter.

Respectfully submitted,  
Oliver Kilian et al

**August 9, 2010**

By:     /K. Brian Bathurst/      
K. Brian Bathurst, Reg. No. 51,442  
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Palo Alto, CA 94303  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/581,812	10/19/2009	Oliver Kilian	PA4893US	3337
22830	7590	08/18/2010		
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			EXAMINER VOGEL, NANCY TREPTOW	
			ART UNIT	PAPER NUMBER
			1636	
			MAIL DATE	DELIVERY MODE
			08/18/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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AUG 18 2010

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CARR & FERRELL LLP  
2200 GENG ROAD  
PALO ALTO CA 94303

In re Application of	:	
KILIAN, Oliver et al.	:	DECISION ON PETITION
Application No. 12/581812	:	TO MAKE SPECIAL UNDER
Filed: October 19, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. PA4893US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 9, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made

by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement that supports what is actually disclosed in the disclosure and it is not agreed that the application on its face meets that materiality standard.

A review of the amended claims shows that applicant has amended claim 19 to be drawn to genus *Nannochloropsis* for production of biofuels. However, there is no showing of said genus producing biofuels in the specification. The invention here is drawn to a method of homologous recombination in an algal genome specifically for making knock-out strains with no evidence or reduction to practice, of such cells with enhanced yield of lipids for the production of biodiesel or for reducing green house gases.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1642 for action in its regular turn.

/Manjunath Rao/

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Manjunath Rao  
Supervisory Patent Examiner  
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/581,812	10/19/2009	Oliver Kilian	PA4893US	3337
22830	7590	09/30/2010		
CARR & FERRELL LLP 120 CONSTITUTION DRIVE MENLO PARK, CA 94025			EXAMINER VOGEL, NANCY TREPTOW	
			ART UNIT	PAPER NUMBER
			1636	
			MAIL DATE	DELIVERY MODE
			09/30/2010	PAPER

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SEP 30 2010

CARR & FERRELL LLP  
120 CONSTITUTION DRIVE  
MENLO PARK CA 94025

In re Application of	:	
KILLIAN, Oliver et al.	:	DECISION ON PETITION
Application No. 12/581812	:	TO MAKE SPECIAL UNDER
Filed: October 19, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. PA4893US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 9, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1636 for action on the merits commensurate with this decision.

/Manjunath Rao/

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Manjunath Rao  
Supervisory Patent Examiner  
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/581,875	10/19/2009	James C. Solinsky	4941-4	3474
23117 7590 04/12/2012 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER KUNDU, SUJOY K				
ART UNIT PAPER NUMBER 2857				
NOTIFICATION DATE DELIVERY MODE 04/12/2012 ELECTRONIC				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOMAIL@nixonvan.com  
clm@nixonvan.com



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April 12, 2012

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

In re Application of	:	
James C. Solinsky	:	<b>DECISION ON PETITION</b>
Application No. 12581875	:	
Filed: 10/19/2009	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 4941-4	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 25, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/  
Office of Data Management  
Publications Branch





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**Xerox Corporation**  
**c/o Joseph E. Root**  
**P.O. Box 371228**  
**Montara CA 94037**

**MAILED**

**JAN 19 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Richard Bridges :  
Application No. 12/581,876 : **DECISION ON PETITION**  
Filed: October 19, 2009 :  
Attorney Docket No. 20090465-US-NP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 1, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3653 for appropriate action by the Examiner in the normal course of business on the reply received December 28, 2010.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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MICHAEL RIES  
318 PARKER PLACE  
OSWEGO, IL 60543

**MAILED**  
**AUG 05 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Linda Ward Mitchell, et al. :  
Application No. 12/581,888 : **DECISION ON PETITION**  
Filed: October 20, 2009 :  
Attorney Docket No. LM1009 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.


This application became abandoned for failure to timely submit corrected formal drawings on or before June 23, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 23, 2011. Accordingly, the date of abandonment of this application is June 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The drawings have been approved by the USPTO draftsman.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data management for processing into a patent.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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PATRICIA M. COSTANZO  
PATS PENDING  
P.O. BOX 101  
ELMA NY 14059

**MAILED**

**MAR 31 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Paul W. Huber, et al.	:	
Application No. 12/581,968	:	DECISION ON PETITION
Filed: October 20, 2009	:	TO WITHDRAW
Attorney Docket No. HuberP_P_1_08	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Patricia M. Constanzo on behalf of all attorneys of record who are associated with customer No. 34442. All attorneys/agents associated with the Customer Number 34442 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: X'POLE PRECISION TOOLS, INC  
3, PEI YAUN 2 ROAD  
CHUNG-LI INDUSTRIAL DISTRICT  
CHUNG LI-CITY TAIWAN



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/581,968	10/20/2009	Paul W. Huber	HuberP_P_1_08

**CONFIRMATION NO. 3659**

## POWER OF ATTORNEY NOTICE



34442  
PATRICIA M. COSTANZO  
PATS PENDING  
P.O. BOX 101  
ELMA, NY 14059

Date Mailed: 03/30/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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PATENT MANAGEMENT GROUP  
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9<sup>TH</sup> FLOOR  
ARLINGTON, VA 22201-2909

**MAILED**  
**JUL 22 2011**  
**OFFICE OF PETITIONS**

In re Application of	:
Joseph J. Unger, et al.	:
Application No. 12/582,016	: DECISION GRANTING PETITION
Filed: October 20, 2009	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 01-1511C1	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 21, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Joel Wells appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Wells desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. All future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on July 13, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

This application is being referred to Technology Center AU 2173 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,044	10/20/2009	Yulong Wang	11005.0369-00000	3799

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
09/03/2010	PAPER

7590 09/03/2010  
Huawei Technologies Co., Ltd./Finnegan  
901 New York Avenue  
NW  
Washington, DC 20001

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

12/13/2010 10:00 AM  
12/13/2010 10:00 AM  
12/13/2010 10:00 AM



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,056	10/20/2009	Jan Andre Heybroek	AC10.1	3823
64278	7590	06/10/2011		
STEVEN L. SCHMID 1824 HICKORY TRACE DRIVE FLEMING ISLAND, FL 32003			EXAMINER MORGAN, ROBERT W	
			ART UNIT	PAPER NUMBER
			3626	
			MAIL DATE	DELIVERY MODE
			06/10/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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[www.uspto.gov](http://www.uspto.gov)

JUN 10 2011

Steven L. Schmid  
1824 Hickory Trace Drive  
Fleming Island, FL 32003

In re application of	:	DECISION ON PETITION
Jan Andre Heybroek	:	TO MAKE SPECIAL FOR
Application No. 12/582,056	:	NEW APPLICATION
Filed: October 20, 2009	:	UNDER 37 CFR 1.102
For: COMPUTER IMPLEMENTED MODULAR		
BASED MEDICAL MARKET ANALYSIS		
SYSTEM		

This is a decision on the petition filed on June 6, 2011 to make the above-identified application special for Inventions Relating to Cancer under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

#### REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special for Inventions Relating to Cancer under 37 C.F.R. § 1.102(d) is not acceptable at least because the application was not limited to 20 claims or less, or filed with the application, as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on June 6, 2011, the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.



---

Steven N. Meyers,  
Quality Assurance Specialist  
Technology Center 3600

Sm/sm: 6/9/11



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,077	10/20/2009	Junrui Hui	13674-332	3859

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
09/08/2010	PAPER

Huawei/BHGL  
P.O. Box 10395  
Chicago, IL 60610

7590 09/08/2010

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Betty Powell*

Patent Publication Branch  
Office of Data Management

12/25/2010 14:28:09 09/08/2010 BOST, DWAYNE D  
12/25/2010 14:28:09 09/08/2010 BOST, DWAYNE D  
12/25/2010 14:28:09 09/08/2010 BOST, DWAYNE D  
12/25/2010 14:28:09 09/08/2010 BOST, DWAYNE D

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12582093	
Filing Date	20-Oct-2009	
First Named Inventor	Gustavo Gonzalez	
Art Unit	1761	
Examiner Name	GREGORY WEBB	
Attorney Docket Number	3919.008	
Title	CLEANING COMPOSITIONS FOR REMOVING ORGANIC DEPOSITS IN HARD TO REACH SURFACES	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p><b>Issue Fee and Publication Fee :</b></p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p><b>Drawing corrections and/ or other deficiencies.</b></p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Stephan A. Pendorf/
Name	Stephan A. Pendorf
Registration Number	32665



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 29,2011

In re Application of :

Gustavo Gonzalez

Application No : 12582093

Filed : 20-Oct-2009

Attorney Docket No : 3919.008

### DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 29,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Patent Publication.

Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 21,2011

In re Application of :

Gustavo Gonzalez

Application No : 12582106

Filed : 20-Oct-2009

Attorney Docket No : 3919.007

### DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 21,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Patent Publication.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12582106	
Filing Date	20-Oct-2009	
First Named Inventor	Gustavo Gonzalez	
Art Unit	1761	
Examiner Name	GREGORY WEBB	
Attorney Docket Number	3919.007	
Title	CLEANING COMPOSITIONS FOR REMOVING ORGANIC DEPOSITS IN HARD TO REACH SURFACES	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p><b>Issue Fee and Publication Fee :</b></p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p><b>Drawing corrections and/ or other deficiencies.</b></p>		



- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Stephan A. Pendorf/
Name	Stephan A. Pendorf
Registration Number	32665



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,108	10/20/2009	Earl Votolato	09-18243	3926
43025	7590	11/04/2010		
LAUSON & TARVER LLP 880 APOLLO STREET SUITE 301 EL SEGUNDO, CA 90245			EXAMINER PRONE, JASON D	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 11/04/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time-period for reply, if any, is set in the attached communication.



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*In re* Patent No. VOTOLATO, EARL  
Issue Date: 6/01/2010  
Appl No.: 12/582,108  
Filed: October 20, 2009  
For: SAFETY CUTTING APPARATUS

:  
:  
: **DECISION GRANTING**  
: **PETITION**  
: *37 CFR 1.324*  
:  
:  
:  
:

This is a decision on the petition filed 6/8/10 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724

Boyer D. Ashley  
Supervisory Patent Examiner  
Art Unit 3724  
Technology Center 3700

LAUSON & TARVER LLP  
880 APOLLO STREET  
SUITE 301  
EL SEGUNDO, CA 90245



UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**DATE:** November 2, 2010  
**TO:** Certificates of Correction Branch  
**FROM:** Boyer D. Ashley  
SPE, Art Unit 3724  
**SUBJECT:** REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,726,029 as specified on the attached Certificate.

/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724  
Boyer D. Ashley, SPE  
Art Unit 3724

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE**

Patent No. 7,726,029

Patented: 6/1/2010

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

David A. Sharbaugh  
Earl J. Votolato

/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724

---

Boyer D. Ashley  
Supervisory Patent Examiner  
Art Unit 3724



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[www.uspto.gov](http://www.uspto.gov)

**EASTMAN KODAK COMPANY  
PATENT LEGAL STAFF  
343 STATE STREET  
ROCHESTER NY 14650-2201**

**MAILED**

**OCT 25 2010**

**OFFICE OF PETITIONS**

In re Application of  
Mrityunjay KUMAR et al.  
Application No. 12/582,110  
Filed: October 20, 2009  
Attorney Docket No. 95860KES

:  
:  
: DECISION ON PETITION  
:  
:

This is a decision on the petition, filed July 29, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of November 10, 2009, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before January 10, 2010.

Petitioner states that a timely reply was mailed via facsimile on December 09, 2009. Petitioner has submitted a copy of the previously submitted correspondence and a copy of the USPTO patent electronic filing acknowledgement receipt, which bears a submission date of December 09, 2009, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time

has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

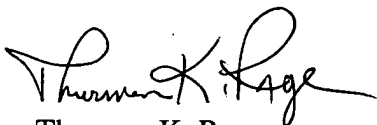
- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of November 10, 2009 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on December 09, 2009.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571)272-4231.

This application is being referred to Office of Patent Application Processing.



Thurman K. Page  
Petition Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,159	10/20/2009	Seung Hyun KANG	8737.265.00	4027
30827 7590 08/04/2011 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER YAO, KWANG BIN	
			ART UNIT 2473	PAPER NUMBER
			MAIL DATE 08/04/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006

In re Application of: KANG, SEUNG HYUN  
et al.

Application No. 12582159

Filed: October 20, 2009

For: METHOD AND APPARATUS FOR  
TRANSMITTING SIGNAL IN A WIRELESS  
COMMUNICATION SYSTEM

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 21, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
  - (ii) validly claims priority to a PCT application that contains no priority claims, or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English; and (c) a statement that the English translation is accurate.

- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and Applicant must submit a claim correspondence table in English.

(4) Examination of the U.S. application has not begun.

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

(6) Applicant must submit (a) an IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and (b) copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition were previously dismissed for apparent failure of items (5) and (6) above. During a telephonic interview on January 14, 2011, Applicant's representative Harry Lee assisted in locating the documents that were believed to be missing. For further clarification, Mr. Lee submitted a copy of the document KR 2002-46547; this document that was previously presumed to be missing was actually listed in the IDS as KR 10-0830486, which is the patent registration number corresponding to the application publication number 10-2002-0046547.

Therefore, the request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

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Hassan Kizou  
Supervisory Patent Examiner  
Technology Center 2400

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/582,274	Filing date:	2009-10-20
First Named Inventor:	Robert Hardacker		
Title of the Invention:	Bezel Color Coordination		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFBS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/034700

**The international filing date of the corresponding PCT application(s) is/are:** 13 May 2010 (13.05.2010)

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/582,274
First Named Inventor:	Robert Hardacker

9

Is attached

☒

Has already been filed in the above-identified U.S. application on 2011-01-12

1

Are attached.

☒

Have already been filed in the above-identified U.S. application on 2011-01-12

[illegible]

Signature /John L. Rogitz/

Date 2011-02-01

Name (Print/Typed) **John L. Rogitz**

Registration Number **33,549**

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,274	10/20/2009	Robert Hardacker	200802470.04	4248
36738	7590	03/23/2011		
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			EXAMINER HAROLD, JEFFEREY F	
			ART UNIT 2422	PAPER NUMBER
			MAIL DATE 03/23/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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ROGITZ & ASSOCIATES  
750 B STREET  
SUITE 3120  
SAN DIEGO CA 92101

In re Application of: Hardacker et al.  
Application No. 12/582,274  
Filed: October 20, 2009  
For: **BEZEL COLOR COORDINATION**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(d)

**MAILED**

MAR 23 2011

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 1, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.
- (3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.
- (4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.
- (5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.
- (6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.
- (7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOISA, WOIPEA, PER) of the PCT.
- (8) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d). As of May 25, 2010, the USPTO has eliminated the fee for the petition to make special under the PPH programs.
- (9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.



*Application SN 12/582,274*  
*Decision on Petition*

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/  
Christopher Grant  
Quality Assurance Specialist  
Technology Center 2400



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**WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,  
L.L.P.  
20333 SH 249 6TH FLOOR  
HOUSTON TX 77070**

**MAILED**

**JUN 16 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Michel Laviolette	:	
Application No. 12/582,296	:	DECISION ON PETITION
Filed: October 20, 2009	:	TO WITHDRAW
Attorney Docket No. 149-0230USCIP	:	FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed May 17, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Coe F. Miles on behalf of all attorneys of record who are associated with Customer Number 29855.

All attorneys/agents associated with the Customer Number 29855 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

**MAILED**  
**FEB 24 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
**Tsuguhide AOKI**, et al. :  
Application No. 12/582,336 : DECISION GRANTING PETITION  
Filed: October 20, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. **349147US-2SRD CONT** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 17, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on January 26, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 81194276

Application Number  
(if known): 12/582,450

Filing date: October 20, 2009

First Named  
Inventor: Giovanni Cavataio

Title: METHOD AND AFTERTREATMENT CONFIGURATION TO REDUCE ENGINE COLD-START NO<sub>x</sub> EMISSIONS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature /John D. Russell/

Date March 31, 2011

Name John D. Russell  
(Print/Typed)

Registration Number 47,048

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Giovanni Cavataio et al.  
Application No. : 12/582,450  
Filed : October 20, 2009  
Title : METHOD AND AFTERTREATMENT CONFIGURATION TO  
REDUCE ENGINE COLD-START NO<sub>x</sub> EMISSIONS  
Group Art Unit : 3748  
Confirmation No. : 4615  
Docket No. : 81194276

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

March 31, 2011

Date

/Angie C. Farr/

Angie C. Farr

**STATEMENTS OF SPECIAL STATUS**

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially enhances the quality of the environment.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NO<sub>x</sub> emissions, which negatively impact the quality of the environment. As explained the in Background and Summary of the subject application, NO<sub>x</sub> emissions from engine-out cold-starts add up to a significant

fraction of total NOx emissions, due to the time required to heat up the main aftertreatment devices to achieve catalytic light-off. The claimed invention addresses this issue by providing a branched exhaust system with first and second turbines that includes an emission-control device containing a zeolite or similar adsorbent, which may be used to reduce NOx emissions during non-warmed exhaust gas conditions. For example, claim 1 recites:

A method for an exhaust system having a first turbine and a second turbine, comprising:  
during a first duration when exhaust temperature is below a first temperature threshold:  
directing exhaust gas through the second turbine and an emission-control device; and  
adjusting the second turbine to control intake boost;  
during a second duration following the first:  
directing exhaust gas through the first turbine; and  
adjusting the first turbine to control intake boost.

In this way, during non-warmed exhaust conditions, NOx emissions may be directed through an emission-control device containing, for example, a zeolite. NOx may be adsorbed by the emission-control device while the exhaust is heated. The adsorbed NOx may then be substantially stored in the emission-control device until a NOx reducing device, e.g., an ammonia-catalyzed selective catalytic reducer, has been sufficiently heated to become catalytically active. Postponing the release of the stored NOx to a NOx reducing device in this way may decrease NOx emissions since a greater portion of the NOx emitted by the engine during non-warmed exhaust conditions is reduced. Thus, the claimed invention may reduce NOx emissions, therefore enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to  
Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

/John D. Russell/

John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,450	10/20/2009	Giovanni Cavataio	81194276	4615

36865 7590 04/12/2011  
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND, OR 97205

EXAMINER
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TRAN, BINH Q

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
CAVATAIO, GIOVANNI et al	:	DECISION ON PETITION
Application No. 12/582,450	:	TO MAKE SPECIAL UNDER
Filed: Oct. 20, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81194276	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 31, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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**Traverse Legal, PLC  
810 Cottageview Dr. G20  
Traverse City MI 49684**

**MAILED**

**JUN 20 2011**

In re Application of  
Ray Morgan Elam IV  
Application No. 12/582,533  
Filed: October 20, 2009  
Attorney Docket No. ELAM-001-A

**OFFICE OF PETITIONS  
DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jason J. Young, on behalf of all attorneys/agents associated with customer number 86919. All attorneys/agents associated with customer number 86919 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Ray Morgan Elam IV  
1432 Sea Ridge  
Newport Beach, CA 92660



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/582,533	10/20/2009	Ray Morgan Elam IV	ELAM-001-A

**CONFIRMATION NO. 4805**

**POWER OF ATTORNEY NOTICE**



OC000000048137261

Date Mailed: 06/10/2011

86919  
Traverse Legal, PLC  
810 Cottageview Dr. G20  
Traverse City, MI 49684

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/13/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Smith-Root, Inc.  
14014 NE Salmon Creek Ave  
Vancouver WA 98686

**MAILED**

**AUG 25 2010**

**OFFICE OF PETITIONS**

In re Application of  
Farland Michael Holliman  
Application No. 12/582,579  
Filed: October 20, 2009  
Attorney Docket No. **SRI 2.003.US**

**ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed November 9, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 10, 2010.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810 (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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DUCKOR SPRADLING METZGER & WYNNE  
A LAW CORPORATION  
3043 4TH AVE.  
SAN DIEGO CA 92103

**MAILED**

FEB 27 2012

**OFFICE OF PETITIONS**

In re Application of  
David C. Urban et al.  
Application No. 12/582,636  
Filed: October 20, 2009  
Attorney Docket Number: **20622-100**

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed January 30, 2012, to change the name of the inventor due to a legal name change.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name from "Michael Tristany" to -Michael Gianni Tristani-.

The credit card provided has been charged in the amount of \$400 for the petition fee.

A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3671 for examination in due course.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/582,636	10/20/2009	3671	462	20622-100	18	2

**CONFIRMATION NO. 5008**

## CORRECTED FILING RECEIPT



OC000000052732376

36412  
DUCKOR SPRADLING METZGER & WYNNE  
A LAW CORPORATION  
3043 4th Ave.  
SAN DIEGO, CA 92103

Date Mailed: 02/23/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

David C. Urban, San Diego, CA;  
Michael Gianni Tristani, San Diego, CA;

**Power of Attorney:** The patent practitioners associated with Customer Number 36412

### Domestic Priority data as claimed by applicant

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

**If Required, Foreign Filing License Granted:** 11/03/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/582,636**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

JEWELRY ITEM AND METHODS OF MAKING AND USING IT

**Preliminary Class**

063

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as



set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,709	10/21/2009	Tomer Hendel	PCCOP001CIP	5184
67362 7590 08/02/2011 THE MUELLER LAW OFFICE, P.C. 12707 High Bluff Drive, Suite 200 San Diego, CA 92130			EXAMINER BELLINGER, JASON R	
			ART UNIT	PAPER NUMBER
			3617	
			NOTIFICATION DATE	DELIVERY MODE
			08/02/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

heather@themuellerlawoffice.com  
contact@themuellerlawoffice.com  
docket@themuellerlawoffice.com



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AUG - 1 2011

THE MUELLER LAW OFFICE, P.C.  
12707 High Bluff Drive, Suite 200  
San Diego, CA 92130

In re Application of HENDEL ET AL.  
Appl. No.: 12/582,709  
Filed: October 21, 2009  
For: Composite Wheel with Reinforced Core

DECISION ON PETITION  
FOR SUPERVISORY  
REVIEW UNDER  
37 CFR 1.181

This is a decision on the petition filed November 10, 2010 for Supervisory Review of an examiner's action under 37 CFR 1.181. Petitioner requests the relief of reversal of the Primary Examiner's holding that the drawings enter new matter into the application, and approval of those drawings.

The petition is **Dismissed**.

A review of the file record reveals that petitioner filed corrected drawings on July 19, 2010 in response to the examiner's Office action of June 14, 2010. The examiner disapproved these drawings because the examiner held that new figures 6C and 6D, along with modified figure 8, attempted to add new matter to the originally filed disclosure (see final Office action of September 24, 2010). Petitioner is requesting supervisory review of the Primary Examiner's decision, and requesting that the drawings be entered.

With regard to new figures 6C and 6D, petitioner points to original figures 6A and 6B as well as paragraph 0022 of the specification and original claims 8-9 as providing adequate support for these new figures. Petitioner specifically notes that paragraph 0022 states:

*"In yet other embodiments the rim core 420 itself may be comprised of individual components. For instance, rim core 420 itself may be comprised of individual components. For instance, rim core 420 may include one piece for the flat rim area 422 and another piece within the bead seat area 424"*

Upon review of the original disclosure, while it is accurate that the specification does provide support for a general multi-piece construction with a piece in the general area of

the bead seat and another in the general area of the flat rim, new figures 6C and 6D are visually much more descriptive than this broad and general language. For example, figure 6D now depicts that the original generally disclosed and un-illustrated multiple piece for the bead seat area extends the entire length from the rim tip to just past where the fillet curvature merges with the flat rim. Nowhere is the original disclosure so specific as what this new illustration now depicts. Figure 6C depicts that the multiple pieces are two bead seat pieces that extends the entire length from the rim tip to just past where the fillet curvature merges with the flat rim and are symmetrically arranged on either side of the flat rim. Again, nowhere is the original disclosure so specific as what this new illustration now depicts. It is noted that petitioner states that bead seat and flat rim areas are well known in the art. While it may be accurate that the bead seat and flat rim areas are known in a general sense, petitioner has supplied no evidence that these broad terms are so well defined in the art that one of ordinary skill in the art would know that the bead seat pieces would terminate in the exact positions now illustrated. For the above given reasons, the Primary Examiner's determination that these new figures illustrate new matter does not appear to be in error, and petitioner is not entitled to the relief of entry of new figures 6C and 6D.

With regard to modified figures 8, petitioner points to original figures 6A as well as paragraphs 0022 & 0024-25 of the specification and original claim 11 as providing support for the modified figure. Petitioner specifically notes that paragraph 0025 states:

*"the disc core 690 and an optional rim core are sandwiched";*

and that this optional rim core is described in paragraph 0022 which states that:

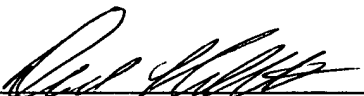
- *"the wheel of the present invention may optionally include an embedded rim core"*
- *"Figure 6A both a disc core 410 and rim core 420 can be seen"*
- *"The integral disc core 410 and rim core 420 may be placed in a mold and then layered with fibers".*

While it is accurate that the specification does provide support for a general optional rim core to be placed in the mold with a disc core, nowhere is the shape of the rim core described with such visual detail as is now illustrated in modified figure 8. New element 695 added to the figure depicts the full profile of the wheel, which is not what is described nor what is illustrated in figure 6A (where only element 420 is described as the rim core). Specifically, figure 8 now illustrates all the components of the original figures being laid in the mold with this additional piece. Furthermore, the spatial relationship of the various components relative to each other and their order of placement in the mold is also nowhere described or depicted in the original figures and specification, but is now illustrated in this modified figure. For the above given reasons, the Primary Examiner's determination that this modified figure illustrates new matter does not appear to be in error, and petitioner is not entitled to the relief of entry of modified figure 8.

For all of the above given reasons, petitioners request for supervisory review overturning the Primary Examiner's holding of new matter in the amended drawings is not persuasive and is dismissed. As such, petitioner is not entitled to the relief requested.

A notice of Appeal and Pre-Appeal Brief Request for Review were filed January 24, 2011. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed March 9, 2011, wherein it was decided that the application should proceed to the Board of Patent Appeals and Interferences. Accordingly, the application will be returned to the examiner's docket to await an appeal brief by the applicants.

Telephone inquiries regarding this decision should be directed to S. Joseph Morano, Supervisory Patent Examiner for Art Unit 3617, at (571) 272-6684. Telephone inquiries regarding the status of the claims and other examination related issues should be directed to the examiner of record, Jason Bellinger, at (571) 272-6680.



---

Dave Talbott, Director  
Patent Technology Center 3600  
(571) 272-5150

DT/sjm: 7/13/11

TL



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ATTENTION: PATENT DOCKETING  
ROOM 2A-207  
ONE AT&T WAY  
BEDMINSTER, NJ 07921

**MAILED**

OCT 24 2011

OFFICE OF PETITIONS

In re Application of  
Bing, Chen, et al.  
Application No. 12/582,746  
Filed: October 21, 2009  
Attorney Docket No. 2003-0084 CON

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 18, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 19, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

On the other hand, the terminal disclaimer under 37 CFR 1.137(d), filed October 25, 2006, cannot be accepted since it is not signed by an attorney or agent of record.

37 CFR 1.321(b) states :

An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark Office, must:

- (1) Be signed:
  - (i) By the applicant, or
  - (ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or
  - (iii) If there is an assignee of record of the entire interest, by such assignee, or
  - (iv) By an attorney or agent of record;
- (2) Specify the portion of the term of the patent being disclaimed;
- (3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
- (4) Be accompanied by the fee set forth in §1.20(d).
- (c) A terminal disclaimer, when filed to obviate judicially

In view of the above, an appropriate power of attorney or authorization of agent and a new terminal disclaimer must be submitted.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.

A handwritten signature in cursive script, appearing to read "April M. Wise".

April M. Wise  
Petitions Examiner  
Office of Petitions





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**MAILED**

**JAN 11 2012**

**OFFICE OF PETITIONS**

In re Application of	:	
Bing, Chen, et al.	:	
Application No. 12/582,746	:	DECISION ON PETITION
Filed: October 21, 2009	:	
Attorney Docket No. 2003-0084 CON	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

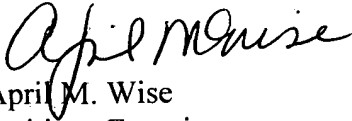
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 18, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 19, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of \$, (3) a proper statement of unintentional delay and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2614 for appropriate action by the Examiner in the normal course of business on the reply received October 13, 2011.

A handwritten signature in cursive script, appearing to read "April M. Wise".

April M. Wise  
Petitions Examiner  
Office of Petitions



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**FARIBA SIRJANI  
925 DELWARE AVENUE, APT. 9C  
BUFFALO, NY 14209**

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of  
James Brady  
Application No. 12/582,774  
Filed: October 21, 2009  
Attorney Docket No. BRADY-001

:  
:  
:  
:  
:  
:

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 2, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Fariba Sirjani. Fariba Sirjani have been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **MEREDITH & KEYHANI, PLLC  
330 MADISON AVE.  
6TH FLOOR  
NEW YORK NY 10017**



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Date: September 26, 2011

LRK Patent Law Firm  
1952 Gallows Road  
Suite 200  
Vienna, VA 22182

Patent No: 8,004,124 B2

Applicant: Dong Soo Kwon, et al.

Application No.: 12/582,782

Issued: August 23, 2011

Title: **VIBRATION GENERATION MODULE CAPABLE OF GENERATING INERTIAL AND IMPACT VIBRATIONS**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.323.

A petition under C.F.R. 1.182 is required to correct the alleged errors in incorrect inventor's name or order of the inventor's names, since inventor's names are printed solely in accordance with the typed/printer names (not the signatures), and since unsigned declarations, non-initialed and non-dated changes are not taken into consideration. Therefore, no correction is in order here under the provisions of Rule 1.323, unless a petition is granted (*See M.P.E.P. 605.04 b*).

In view of the foregoing, your request in this matter is hereby denied.

Any petition under 1.182 should be directed to the following address or facsimile number:

By mail:           Mail Stop PETITIONS  
                      Commissioner for Patents  
                      Post Office Box 1450  
                      Alexandria, VA 22313-1450

By hand:           Customer Service Window  
                      Mail Stop Petitions  
                      Randolph Building  
                      401 Dulany Street  
                      Alexandria, VA 22314

By fax: (571) 273-0025  
ATTN: Office of Petitions

A certificate of correction will be issued to correct the remaining errors mentioned in your request.

Virginia Tolbert  
For Mary Diggs, Supervisor  
Decisions and Certificate of Correction  
(571) 272-0460

vt

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/582864	Filing date:	2009-10-21
First Named Inventor:	Bruce Richard Roberts, et al		

Title of the  
Invention: KNOWLEDGE-BASED DRIVER APPARATUS FOR HIGH LUMEN MAINTENANCE AND END-OF-LIFE ADAPTATION

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE  
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EFC/EFW\\_HELP.HTML](http://www.uspto.gov/efw/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT  
application number(s) is/are: PCT/US10/50472

The international filing date of the corresponding  
PCT application(s) is/are: September 28, 2010

## I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)



Is attached



Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).



Is attached.



Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## (continued)

Application No.:	12/582864
First Named Inventor:	KNOWLEDGE-BASED DRIVER APPARATUS FOR HIGH LUMEN MAINTENANCE AND END-OF-LIFE ADAPTATION

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/PEA, IPER) of the corresponding PCT application.

☐ WOLSA, WO  
is attached

☐ Has already been filed in the above-identified U.S. application on May 12, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on May 12, 2011

## II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature <u>/ptd47323/</u>	Date <u>2011-5-12</u>
Name (Print/Typed) <u>Peter T. DiMauro, Patent Agent</u>	Registration Number <u>47,323</u>

[0027] The following is claimed:

1. A driver apparatus for powering a solid-state light source, the driver apparatus comprising:

a constant current power source with an input to receive input electrical power and an output coupleable to a solid-state light source, the output operative to provide electrical output current to drive the at least one solid-state light source;

a memory storing a lumens per amp performance characterization of the solid-state light source over time as well as a volts per amp performance characterization of the solid-state light source over time; and

a controller operatively coupled with the memory and with the power source to receive at least one feedback value from the power source and to provide a current setpoint signal or value to the power source;

the controller being operative in a normal mode to provide an operating current setpoint value or signal to cause the power source to drive the solid-state light source at a corresponding output current level; and

the controller being operative in a test mode:

to provide a test mode current setpoint value or signal to cause the power source to drive the solid-state light source at a corresponding predetermined test current level,

to receive a voltage feedback value from the power source while the power source is driving the solid-state light source at the test current level,

to determine an estimated degradation of the light source based at least partially on the voltage feedback value using the volts per amp performance characterization, and

to update the current setpoint value or signal based on the estimated degradation using the lumens per amp performance characterization.



2. The driver apparatus of claim 1, where the controller is further operative in the normal mode to receive a voltage feedback value from the power source, to detect rapid changes in the voltage feedback value, and to enter a fault mode if a rapid change is detected in the voltage feedback value, and where the controller is operative in the fault mode to implement at least one of a remedial measure to attempt to clear a detected fault condition of the light source and a notification measure to attempt to notify a user of the detected fault condition.

3. The driver apparatus of claim 2, where the controller is operative to implement a remedial measure in the fault mode by briefly overdriving the light source, and to selectively resume the normal mode operation if the fault is cleared.

4. The driver apparatus of claim 2, where the controller is operative to implement a notification measure in the fault mode by causing the power source to flash the light source to attempt to notify a user of the detected fault condition.

5. The driver apparatus of claim 2, where the memory stores the lumens per amp performance characterization and the volts per amp performance characterization of the solid-state light source over time as lookup tables, and where the controller is operative in the test mode to determine the estimated degradation of the light source based on the voltage feedback value using the volts per amp performance lookup table, and to update the current setpoint value or signal based on the estimated degradation using the lumens per amp performance lookup table.

6. The driver apparatus of claim 2, where the memory stores the lumens per amp performance characterization and the volts per amp performance characterization of the solid-state light source over time as formula parameters, and where the controller is operative in the test mode to determine the estimated degradation of the light source based on the voltage feedback value using the volts per amp performance formula parameters, and to

update the current setpoint value or signal based on the estimated degradation using the lumens per amp performance formula parameters.

7. The driver apparatus of claim 1, where the memory stores the lumens per amp performance characterization and the volts per amp performance characterization of the solid-state light source over time as lookup tables, and where the controller is operative in the test mode to determine the estimated degradation of the light source based on the voltage feedback value using the volts per amp performance lookup table, and to update the current setpoint value or signal based on the estimated degradation using the lumens per amp performance lookup table.

8. The driver apparatus of claim 1, where the memory stores the lumens per amp performance characterization and the volts per amp performance characterization of the solid-state light source over time as formula parameters, and where the controller is operative in the test mode to determine the estimated degradation of the light source based on the voltage feedback value using the volts per amp performance formula parameters, and to update the current setpoint value or signal based on the estimated degradation using the lumens per amp performance formula parameters.

9. The driver apparatus of claim 1, where the controller is operative to enter the test mode periodically.

10. The driver apparatus of claim 1, where the controller is operative in the test mode to detect an end-of-life condition of the light source based at least partially on the estimated degradation of the light source and to enter an end-of-life mode if an end-of-life condition is detected, and where the controller is operative in the end-of-life mode to implement at least one of an end-of-life measure to modify control of the light source and an end-of-life notification measure to attempt to notify a user of the detected end-of-life condition.

11. The driver apparatus of claim 10, where the controller is operative to implement an end-of-life measure by overdriving the light source to attempt to provide constant lumens operation of the light source in the end-of-life mode.

12. The driver apparatus of claim 10, where the controller is operative to implement an end-of-life notification measure by causing the power source to flash the light source to attempt to notify a user of the detected end-of-life condition.

13. The driver apparatus of claim 10, where the controller is further operative in the normal mode to receive a voltage feedback value from the power source, to detect rapid changes in the voltage feedback value, and to enter a fault mode if a rapid change is detected in the voltage feedback value, and where the controller is operative in the fault mode to implement at least one of a remedial measure to attempt to clear a detected fault condition of the light source and a notification measure to attempt to notify a user of the detected fault condition.

14. The driver apparatus of claim 1, where the memory stores at least one environmental performance characterization, and where the controller is operative in the test mode to determine at least one environmental characteristic of the light source and to determine the estimated degradation of the light source based at least partially on the environmental characteristic using the environmental performance characterization.

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To: Dimauro, Peter T. GENERAL ELECTRIC COMPANY Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484 ETATS-UNIS D'AMERIQUE	RECEIVED <div style="border: 1px solid black; padding: 5px; display: inline-block;">           APR 21 2011         </div> GLOBAL PATENT OPERATION	NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION  (PCT Rule 44.1)
Applicant's or agent's file reference 239222	Date of mailing (day/month/year) 19 April 2011 (19-04-2011)	
International application No. PCT/US2010/050472	International filing date (day/month/year) 28 September 2010 (28-09-2010)	
Applicant GENERAL ELECTRIC COMPANY		

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

### Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

**For more detailed instructions, see PCT Applicant's Guide, International Phase, paragraphs 9.004 - 9.011.**

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

### 4. Reminders


The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90*bis*.1 and 90*bis*.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer PITARD, Jacqueline Tel: +49 (0)89 2399-2562
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# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 239222	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US2010/050472	International filing date (day/month/year) 28/09/2010	(Earliest) Priority Date (day/month/year) 21/10/2009
Applicant GENERAL ELECTRIC COMPANY		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1  
☒ as suggested by the applicant  
☐ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention  
 b. ☐ none of the figures is to be published with the abstract

# INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2010/050472

A. CLASSIFICATION OF SUBJECT MATTER  
INV. H05B33/08  
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
H05B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)  
EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 2008/120143 A2 (PHILIPS INTELLECTUAL PROPERTY [DE]; KONINKL PHILIPS ELECTRONICS NV [NL] 9 October 2008 (2008-10-09) pages 8-11	1
A	US 2009/254287 A1 (OHGOH TSUYOSHI [JP]) 8 October 2009 (2009-10-08) abstract; figures	1
A	DE 10 2007 029123 A1 (TRIDONICATCO SCHWEIZ AG [CH]) 2 January 2009 (2009-01-02) the whole document characterization of the diodes vs temperature	1
	----- -/--	

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

6 April 2011

Date of mailing of the international search report

19/04/2011

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040.  
Fax: (+31-70) 340-3016

Authorized officer

Maicas, Jesús

# INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2010/050472

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>LESTINA T G ET AL: "AN INVERSE METHOD TO DETERMINE THE TEMPERATURE PROFILE ON A SEMICONDUCTOR POWER DIODE", IEEE TRANSACTIONS ON COMPONENTS, HYBRIDS, AND MANUFACTURING TECHNOLOGY, IEEE INC. NEW YORK, US, vol. 11, no. 4, 1 December 1988 (1988-12-01), pages 493-498, XP000105882, ISSN: 0148-6411, DOI: DOI:10.1109/33.16688 the whole document diode characteristic curves figure 5 -----</p>	1

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2010/050472

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2008120143 A2	09-10-2008	CN 101652669 A EP 2132581 A2 JP 2010524151 T KR 20100015994 A US 2010066375 A1	17-02-2010 16-12-2009 15-07-2010 12-02-2010 18-03-2010
US 2009254287 A1	08-10-2009	JP 2009252960 A	29-10-2009
DE 102007029123 A1	02-01-2009	CN 101743780 A EP 2160928 A2 WO 2009000475 A2	16-06-2010 10-03-2010 31-12-2008



# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2010/050472

International filing date (day/month/year)  
28.09.2010

Priority date (day/month/year)  
21.10.2009

International Patent Classification (IPC) or both national classification and IPC  
INV. H05B33/08

Applicant  
GENERAL ELECTRIC COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office

D-80298 Munich  
Tel. +49 89 2399 - 0  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Maicas, Jesús

Telephone No. +49 89 2399-7695



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2010/050472

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
- ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
- a. (means)
- ☐ on paper
  - ☐ in electronic form
- b. (time)
- ☐ in the international application as filed
  - ☐ together with the international application in electronic form
  - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	<u>1-14</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-14</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-14</u>
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

- D1 WO 2008/120143 A2 (PHILIPS) 9 October 2008
- D2 US 2009/254287 A1 (OHGOH) 8 October 2009

- 1 D1 is regarded as being prior art close to the subject-matter of claim 1.  
D1 discloses a method of determining the condition of an LED device by testing the device at different frequencies and comparing the results with a predetermined values. The result of that comparison would provide an assessment of the condition of the device.
- 1.1 The subject-matter of claim 1 therefore differs from this known D1 in that the test phase is realised with a predetermined current level which will be compared with the v/i characteristic of the LED for estimate the condition of the LED.
- 2 D2 is regarded as being prior art close to the subject-matter of claim 1.  
D2 discloses a method for predicting the lifetime of LEDs wherein degradation is calculated by measuring the lumens per amp characteristic.
- 2.1 The subject-matter of claim 1 therefore differs from this known D2 in that the test phase is realised with a predetermined current level which will be compared with the v/i characteristic of the LED for estimate the condition of the LED.
- 3 The subject-matter of claim 1 is therefore new (Article 33(2) PCT).
- 4 The problem to be solved by the present invention may be regarded as *"estimate degradation and compensation of a LED light source"*.
- 4.1 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) because no prior art hints this alternative solution for estimate degradation, and it is considered that measuring only a forward voltage appears to simplify the measuring part of the evaluation circuit, in particular it makes redundant the light sensor or the frequency measurements.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	<p>For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.</p>
Amending claims under Art. 19 PCT	<p>Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.</p>
Filing a demand for international preliminary examination	<p>In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).</p> <p>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).</p>
Filing informal comments	<p>After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.</p>
End of the international phase	<p>At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).</p>
Relevant PCT Rules and more information	<p>Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003</p>

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,864	10/21/2009	Bruce Richard Roberts	239222 GECZ 201044US01	5468
27885	7590	05/24/2011	EXAMINER	
FAY SHARPE LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			ART UNIT	PAPER NUMBER
			2821	
			MAIL DATE	DELIVERY MODE
			05/24/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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**FAY SHARPE LLP**  
**1228 Euclid Avenue, 5th Floor**  
**The Halle Building**  
**Cleveland OH 44115**

**In re Application of**  
**ROBERTS et al.**

**Application No.: 12/582,864**

**Filed: 21 October 2009**

**Attorney Docket No.: 239222 GECZ 201044US01**

**For: KNOWLEDGE-BASED DRIVER**  
**APPARATUS FOR HIGH LUMEN**  
**MAINTENANCE AND END-OF-LIFE**  
**ADAPTATION**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 13 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;


(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

  
Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components





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[www.uspto.gov](http://www.uspto.gov)

STITES & HARBISON PLLC  
1199 NORTH FAIRFAX STREET  
SUITE 900  
ALEXANDRIA, VA 22314

**MAILED**

**MAR 23 2011**

**OFFICE OF PETITIONS**

In re Application of Pankhurst et al. :  
Application No. 12/582,887 :  
Filing Date: October 21, 2009 :  
Attorney Docket No. P08214US06/DEJ :

Letter

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed November 24, 2010.

The deficiency payment of \$628 is hereby accepted.

The change of status to large entity has been entered and made of record.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,929	10/21/2009	Norihiko Kato	TMCF-11502/08	5591
25006 7590 12/08/2010 GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021				
			EXAMINER NGUYEN, CUONG H	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 12/08/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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DEC - 8 2010

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GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C  
PO BOX 7021  
TROY MI 48007-7021

In re application of	:	<b>DECISION ON REQUEST TO</b>
Norihiko Kato	:	<b>PARTICIPATE IN PATENT</b>
Application No. 12/582,929	:	<b>PROSECUTION HIGHWAY</b>
Filed: October 21, 2009	:	<b>PROGRAM AND PETITION</b>
For: POWER SUPPLY SYSTEM AND	:	<b>TO MAKE SPECIAL UNDER</b>
VEHICLE INCLUDING THE SAME	:	<b>37 CFR 1.102(a)</b>
, AND METHOD OF CONTROLLING	:	
POWER SUPPLY SYSTEM	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 13, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the preliminary amendment filed October 13, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

          / Mikado Buiz /  
Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

BM/BM: 12/07/10



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Alexandria, VA 22313-1450  
www.uspto.gov

**WONG, CABELLO, LUTSCH, RUTHERFORD  
BRUCCULERI, L.L.P.  
20333 SH 249 6<sup>TH</sup> FLOOR  
HOUSTON, TX 77070**

**MAILED**

**JUN 17 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
SOLIN, et al	:	
Application No. 12/582,948	:	DECISION ON PETITION
Filed: October 21, 2009	:	TO WITHDRAW
Attorney Docket No. 08-014-US (149-0211US)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 16, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Coe F. Miles and the attorneys associated with Customer No. 29855, has been revoked by the assignee of the patent application on June 2, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/582,956	Filing date:	October 21, 2009
First Named Inventor:	John E. Holland		
Title of the Invention:	PROTECTIVE COVER FOR SLINGS, ROPES, CABLES AND THE LIKE		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EF_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/US10/53369

**The international filing date of the corresponding  
PCT application(s) is/are:** October 20, 2010

## I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)



Is attached.



Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).



Is attached.



Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/582,956
First Named Inventor:	John E. Holland

- ☒

Is attached

11

Has already been filed in the above-identified U.S. application on

- ☒

Are attached.


1

Have already been filed in the above-identified U.S. application on

## II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	Sept. 21, 2011
Name (Print/Typed)	C. Robert Rhodes	Registration Number	24,200



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,956	10/21/2009	John E. Holland	J3781 1040.1	5639
26158 7590 11/07/2011 WOMBLE CARLYLE SANDRIDGE & RICE, LLP ATTN: IP DOCKETING P.O. BOX 7037 ATLANTA, GA 30357-0037			EXAMINER OHERN, BRENT T	
			ART UNIT 1783	PAPER NUMBER
			MAIL DATE 11/07/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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11/7/11

BC

In re application of	:	DECISION ON REQUEST TO
John E. Holland et al.	:	PARTICIPATE IN PATENT
Serial No. 12/582,956	:	PROSECUTION HIGHWAY
Filed: October 21, 2009	:	PROGRAM AND
Attorney Docket No: J3781 1040.1	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 21, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the APO, IPA, JPO, KIPO, NBPR, NPI, EPO, Rospatent, IPOS, SPTO, PRV, UK IPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

Application No. 12/582,956

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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**ZACKSON LAW LLC  
1015 LOCUST STREET SUITE 750  
ST. LOUIS MO 63101-1324**

**MAILED**

**MAY 3 1 2011**

**OFFICE OF PETITIONS**

In re Application of  
Felice Eugenio Agro'  
Application No. 12/582,987  
Filed: October 21, 2009  
Attorney Docket No. 1004-0002

:  
:  
:  
:  
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:

**DECISION ON PETITION  
TO WITHDRAW FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 6, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Saul L. Zackson, on behalf of all attorneys of record who are associated with Customer Number 95830.

All attorneys/agents associated with the Customer Number 95830 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: LIFE & LIGHT LIMITED.  
15 POLAND STREET, 3<sup>RD</sup> FL  
LONDON W1F 8QE UK



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/582,995	10/21/2009	Norihiko Kato	TMCF-11402/08	5704
25006 7590 11/08/2011 GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021				
EXAMINER HOLWERDA, STEPHEN				
ART UNIT		PAPER NUMBER		
3664				
MAIL DATE		DELIVERY MODE		
11/08/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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NOV - 8 2011

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GIFFORD, KRASS, SPRINKLE,  
ANDERSON & CITKOWSKI, P.C  
PO BOX 7021  
TROY MI 48007-7021

In re application of  
Norihiro Kato  
Application No. 12/582,995  
Filed: October 21, 2009  
For: POWER SUPPLY SYSTEM AND  
VEHICLE INCLUDING THE SAME,  
AND METHOD OF CONTROLLING  
POWER SUPPLY SYSTEM

: **DECISION ON REQUEST TO**  
: **PARTICIPATE IN PATENT**  
: **PROSECUTION HIGHWAY**  
: **PROGRAM AND PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 25, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed August 25, 2011. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 11/08/11



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**MAILED**

SEP 17 2010

**OFFICE OF PETITIONS**

**XIAODONG SUN YANG  
11215 JADE SPRING  
SAN ANTONIO, TX 78249**

In re Application of  
Yang et al.  
Application No. 12/583,015  
Filed: August 13, 2009  
Attorney Docket No. None

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed, August 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a complete reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed September 8, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 9, 2009. A Notice of Abandonment was mailed May 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement claims, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000.

Alicia Kelley  
Petitions Examiner  
Office of Petitions





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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

THOMAS A. BECK  
6136 W. KIMBERLY WAY  
GLENDALE AZ 85308-7627

**MAILED**  
JAN 07 2011  
OFFICE OF PETITIONS

In re Application of :  
Angelopoulos et al. :  
Application No. 12/583,030 : ON PETITION  
Filed: August 12, 2009 :  
Attorney Docket No. YOR919960049BX :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 8, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed March 2, 2010. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 3, 2010. A Notice of Abandonment was mailed on October 8, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition, under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.<sup>2</sup>

<sup>1</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

<sup>2</sup> See MPEP 711.03(c)(III)(C) and (D).

The instant petition does not lack any of the above listed items. However, the petition is not signed.

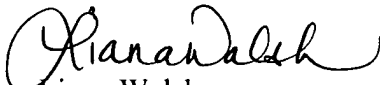
Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Window located at:  
  
                                    U.S. Patent and Trademark Office  
                                    Customer Service Window Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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THOMAS A. BECK  
6136 W. KIMBERLY WAY  
GLENDALE AZ 85308-7627

**MAILED**

**FEB 28 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Angelopoulos et al. :  
Application No. 12/583,030 :  
Filed: August 12, 2009 :  
Attorney Docket No. YOR919960049BX :

**ON PETITION**

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Response to Restriction Requirement, including an election, (2) the petition fee of \$1620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 1762 for examination on the merits.

Liana Walsh  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,063	08/13/2009	Felix Fareed Grovit		7899
<div>23722      7590      04/06/2011</div> <div>IRVING KESCHNER</div> <div>21535 HAWTHORNE BOULEVARD</div> <div>SUITE 385</div> <div>TORRANCE, CA 90503</div>				
			<div>EXAMINER</div> <div>GUDORF, LAURA A</div>	
			<div>ART UNIT</div> <div>2876</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>04/06/2011</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**IRVING KESCHNER  
21535 HAWTHORNE BOULEVARD  
SUITE 385  
TORRANCE CA 90503**

**In re Application of  
Felix GROVIT  
Application No.: 12/583,063  
Filed: 13 August 2009  
Attorney Docket No.: N/A  
For: AUTHORIZATION SYSTEM**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed 13 February 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK IPO, note where the UK IPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the UK IPO application with similar claims and the UK IPO priority application;
- (2) Applicant must submit a copy of:  
The allowable/patentable claim(s) from the UK IPO application(s);
- (3) Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s); and
  - b. Submit a claims correspondence table;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:  
A copy of all of the office actions from each of the UK IPO application(s) containing the allowable/patentable claims that are the basis for the request or request that the USPTO obtain a copy from the UK IPO. If the USPTO is not able to obtain a copy of all of the office actions from the UK IPO, the applicant will be notified and requested to provide the necessary documents.

(6) Applicant must submit:

- a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application); and
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application)

Conditions (1) and (4-5) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (2), (3), and (6).

Regarding the requirement of condition (2), applicant has failed to submit a copy of the allowable/patentable claims from the UK IPO application

Regarding the requirement of condition (3), applicant has failed to submit a proper claims correspondence table. It is not readily apparent how 21 claims for the UK IPO application can correspond to 19 claims in the US application. Since condition (2) has not been meet, it cannot be determined if the claims sufficiently correspond.

Regarding the requirement of condition (6), applicant has failed to submit an IDS listing the documents cited by the UK IPO examiner in the UK IPO office action.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively. .

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,063	08/13/2009	Felix Fareed Grovit		7899
<div>23722      7590      05/10/2011</div> <div>IRVING KESCHNER 21535 HAWTHORNE BOULEVARD SUITE 385 TORRANCE, CA 90503</div>				
			<div>EXAMINER</div> <div>GUDORF, LAURA A</div>	
			<div>ART UNIT</div> <div>2876</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>05/10/2011</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication:



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**IRVING KESCHNER  
21535 HAWTHORNE BOULEVARD  
SUITE 385  
TORRANCE CA 90503**

**In re Application of  
Felix GROVIT  
Application No.: 12/583,063  
Filed: 13 August 2009  
Attorney Docket No.: N/A  
For: AUTHORIZATION SYSTEM**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed 13 February 2011 and renewed on 06 May 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK IPO, note where the UK IPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the UK IPO application with similar claims and the UK IPO priority application;

(2) Applicant must submit a copy of:  
The allowable/patentable claim(s) from the UK IPO application(s);

(3) Applicant must:  
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s); and  
b. Submit a claims correspondence table;

(4) Examination of the U.S. application has not begun;

(5) The required petition fee under 37 CFR 1.17(h).

(6) Applicant must submit:  
A copy of all of the office actions from each of the UK IPO application(s) containing the allowable/patentable claims that are the basis for the request or request that the USPTO obtain a copy from the UK IPO. If the USPTO is not able to obtain a copy of all of the



office actions from the UK IPO, the applicant will be notified and requested to provide the necessary documents.

(7) Applicant must submit:

- a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application); and
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application)

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

Any inquiry regarding this decision should be directed to Lee W. Young, Quality Assurance Specialist, at (571) 272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Lee W. Young

TQAS

Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,078	08/13/2009	Paul A. Zimmerman	SEMB:060US/10813071	5693

7590 12/23/2011  
FULBRIGHT & JAWORSKI L.L.P.  
98 SAN JACINTO BOULEVARD  
SUITE 1100  
AUSTIN, TX 78701-4255

EXAMINER
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KILIMAN, LESZEK B

ART UNIT	PAPER NUMBER
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1788

NOTIFICATION DATE	DELIVERY MODE
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12/23/2011

ELECTRONIC

## ACKNOWLEDGEMENT OF REQUEST

*Notice of Allowance/Allowability Mailed*

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101  
Application Assistance Unit  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
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December 21, 2011

FULBRIGHT & JAWORSKI L.L.P.  
98 SAN JACINTO BOULEVARD  
SUITE 1100  
AUSTIN TX 78701-4255

In re Application of	:	
Zimmerman, Paul A. et al	:	<b>DECISION ON PETITION</b>
Application No. 12/583,078	:	
Filed: 08/13/2009	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. SEMB:060US/ 10813071	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 13, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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**MAILED**

**APR 28 2011**

**OFFICE OF PETITIONS**

DOUGLAS WM MASSINGER  
MASSINGER LAW OFFICES  
887 NE 100TH ST  
OCALA, FL 34479

In re Application of	:	
Ted Lindsay	:	
Application No. 12/583,107	:	ON PETITION
Filed: August 13, 2009	:	
Attorney Docket No.: FL4903US/1	:	

This is a decision in response to the communications filed March 21, 2011 and March 28, 2011, which are being treated as a petition under the provisions of 37 CFR 1.181 to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for a failure to timely pay the issue fee on or before February 18, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 18, 2010. A Notice of Abandonment was mailed on March 3, 2011.

Petitioner asserts that a reply was timely filed using a certificate of mailing under 37 CFR 1.8 dated February 18, 2011. To support this assertion, petitioner submitted, *inter alia*, a copy of the previously mailed correspondence, including a transmittal letter and Part B – Fees(s) Transmittal, each bearing a certificate of mailing dated February 18, 2011. Petitioner also submits a copy of the return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on March 7, 2011 of “Transmittal Form, Fee Transmittal (2 copies), Check No. 1068 in the amount of \$1055 for the Issue and Publication Fees.” In fact, the file record confirms that the originally submitted papers were received on March 7, 2011.

Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated,

or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Allowance and Fee(s) Due, mailed November 18, 2010, is hereby withdrawn and the application is restored to pending status.

The Notice of Abandonment mailed March 3, 2011 is hereby vacated.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12583169	
Filing Date	13-Aug-2009	
First Named Inventor	Kevin McLaughlin	
Art Unit	1781	
Examiner Name	NIKKI DEES	
Attorney Docket Number	09MC01.1	
Title	Silicone devices and methods for cooking with silicone devices	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">28042</span>		
The reason(s) for this request are those described in 37 CFR:  10.40(c)(1)(iv) 10.40(c)(1)(vi) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Kevin McLaughlin	
Address	411 24th Ave., Apt. #11	
City	San Francisco	
State	CA	

Postal Code	94121
Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Sharon Adams/
Name	Sharon Adams
Registration Number	39584



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : December 21, 2011

In re Application of :

Kevin McLaughlin

Application No : 12583169

Filed : 13-Aug-2009

Attorney Docket No : 09MC01.1

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 21, 2011

The request is **APPROVED**.

The request was signed by Sharon Adams (registration no. 39584 ) on behalf of all attorneys/agents associated with Customer Number 28042 . All attorneys/agents associated with Customer Number 28042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Kevin McLaughlin

Name2

Address 1 411 24th Ave., Apt. #11

Address 2

City San Francisco

State CA

Postal Code 94121

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions





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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

September 27, 2011

ROPES & GRAY LLP  
IPRM - Floor 43  
PRUDENTIAL TOWER  
800 BOYLSTON STREET  
BOSTON MA 02199-3600

Re Application of  
**SEEHRA, JASBIR, ET AL**

Application: **12/583177**

Filed: **08/13/2009**

Attorney Docket No: **PHPH-040-101**

: **DECISION ON PETITION**  
: **ACCEPTANCE OF COLOR**  
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 13, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

KENNETH D. BAUGH  
2413 BLODGETT  
HOUSTON, TX 77004

**MAILED**  
**MAR 31 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Glenn Smith  
Application No. 12/583,198  
Filed: August 17, 2009  
For: WHEEL WINCH

ON PETITION

This is a decision on the petition, filed February 11, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 2, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 3, 2009. A Notice of Abandonment was mailed on May 18, 2010. On February 11, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the excess claim fees of \$338; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay<sup>1</sup>.

37 CFR 1.137(d) requires that any petition to revive in either a utility or plant application filed before June 8, 1995, be accompanied by a terminal disclaimer and fee as set forth in § 1.321. Since this application is filed *after* June 8, 1995, no terminal disclaimer and fee are required. Accordingly, the terminal disclaimer filed February 11, 2011 is **not** accepted and petitioner is entitled to a refund of the \$70 fee paid therefor.

Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

<sup>1</sup> 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.  
Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,209	08/13/2009	Philip J. Bromley	33312.05717.US03/ 5717	3661
13565 7590 08/02/2011 McKenna Long & Aldridge LLP 4435 Eastgate Mall Suite 400 San Diego, CA 92121			EXAMINER GOTFREDSON, GAREN	
			ART UNIT 1619	PAPER NUMBER
			MAIL DATE 08/02/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND  
TRADEMARK OFFICE

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**AUG 02 2011**

McKenna Long & Aldridge LLP  
4435 Eastgate Mall  
Suite 400  
San Diego CA 92121

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of:  
Bromley et al.  
Serial No.: 12/583,209  
Filed: August 13, 2009  
Attorney Docket No: 33312.05717.US03/  
5717

:  
:  
: PETITION DECISION  
:  
:

This is in response to the petition filed on July 7, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on December 1, 2009 and January 14, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on December 1, 2009 and January 14, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R. 1.97 and 1.98. As required under 37 C.F.R. 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on December 1, 2009 and January 14, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (December 1, 2009, "Transmittal Letter" of 2 pages and January 14, 2011, "Transmittal Letter" of 2 pages).

Consequently, the information contained therein may not be considered or reviewed by the Examiner.”

Applicants’ argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of December 1, 2009 and January 14, 2011.

## **DECISION**

The petition is **GRANTED**.

The examiner is instructed to consider the IDS of December 1, 2009 and January 14, 2011 which was misclassified in PAIR as a "Transmittal Letter" December 1, 2009, "Transmittal Letter" of 2 pages and January 14, 2011, "Transmittal Letter" of 2 pages).

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: EE020

Application Number  
(if known): 12/583,297

Filing date: 08-18-2009

First Named  
Inventor: BENJAMIN SMITH

Title: METHOD AND SYSTEM FOR DISTRIBUTED ENERGY GENERATOR MESSAGE AGGREGATION

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: STATEMENTS OF SPECIAL STATUS

Signature /RAYMOND R. MOSER, JR./

Date NOVEMBER 19, 2010

Name RAYMOND R. MOSER, JR.  
(Print/Typed)

Registration Number 34,682

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,297	08/18/2009	Benjamin Smith	EE020	7592
54698 7590 12/09/2010 RAYMOND R. MOSER JR., ESQ. MOSER IP LAW GROUP 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702			EXAMINER DECADY, ALBERT	
			ART UNIT 2121	PAPER NUMBER
			MAIL DATE 12/09/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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RAYMOND R. MOSER JR., ESQ.  
MOSER IP LAW GROUP  
1030 BROAD STREET  
SUITE 203  
SHREWSBURY NJ 07702

In re Application of  
SMITH, Benjamin et al.  
Application No. 12/583,297  
Filed: August 18, 2009  
For: **METHOD AND SYSTEM FOR  
DISTRIBUTED ENERGY GENERATOR  
MESSAGE AGGREGATION**

**DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM**

This is a decision on the petition under 37 CFR 1.102, filed November 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The

application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 3 and 4 above for the reasons explained in more detail below.

Section II of the Pilot Program for Green Technologies as set forth in 74 Federal Register Notice 64666, specifies that "materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment." This exclusion applies to applicant's petition since the claimed invention is directed to a method, medium and system for "aggregating messages." Merely reciting that the "messages [are] related to operation of a distributed energy generator" is insufficient to show that the claimed invention "materially contributes to the development of renewable energy resources." Furthermore, in the Statement of Materiality Standard, petitioner states that "[s]uch processing of DEG information enables more efficient real-time monitoring and long term analysis of the DEG and its operation, for example, by allowing an operator to focus on and address a single root cause event or condition that may trigger a large volume of messages of the same type occurring at nearly the same time. As such, a DEG may be more efficiently operated (emphasis added)." This statement clearly suggests that it is the behavior or action of the "hypothetical end-user [who] might specially apply the invention in a manner that could materially enhance the quality of the environment." Other words, the claimed invention of "aggregating messages" itself cannot "materially enhance the quality of the environment." Accordingly, the petition is properly dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272 - 1732.

*/Eddie C. Lee*

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Eddie C. Lee  
Quality Assurance Specialist, TC 2100

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/583,297	Filing date:	August 18, 2009
First Named Inventor:	Benjamin Smith		
Title of the Invention:	METHOD AND SYSTEM FOR DISTRIBUTED ENERGY GENERATOR MESSAGE AGGREGATION		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/045732

**The international filing date of the corresponding PCT application(s) is/are:**

August 17, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/583,297
First Named Inventor:	Benjamin Smith

- 9

Is attached

June 16, 2011

- ☒

Has already been filed in the above-identified U.S. application on June 16, 2011

- 7

Are attached.

June 16, 2011

- ☒

Have already been filed in the above-identified U.S. application on June 16, 2011

[illegible]

Signature	/Raymond R. Moser, Jr./	Date	August 1, 2011
Name (Print/Typed)	Raymond R. Moser, Jr.	Registration Number	34,682

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,297	08/18/2009	Benjamin Smith	EE020	7592
54698	7590	09/23/2011		
MOSER TABOADA 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702				
			EXAMINER PATEL, RAMESH B	
			ART UNIT 2121	PAPER NUMBER
			MAIL DATE 09/23/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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MOSER TABOADA  
1030 BROAD STREET  
SUITE 203  
SHREWSBURY NJ 07702

In re Application of: SMITH et al.  
Application No. 12/583,297  
Atty Docket #: EE020  
Filed: August 18, 2009  
For: METHOD AND SYSTEM FOR  
DISTRIBUTED ENERGY GENERATOR  
MESSAGE AGGREGATION

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY PROGRAM  
AND PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed August 1, 2011 to make the above- identified application special.

The petition is **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.  
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,  
b. an English translation of the claims and  
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition fail to comply with the requirements in that a Notice of Allowance was mailed on 9/1/2011 in this case.

Accordingly the Petition is DENIED.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Mano Padmanabhan/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



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Muncy, Geissler, Olds & Lowe, PLLC  
4000 Legato Road  
Suite 310  
FAIRFAX VA 22033

**MAILED**

**FEB 02 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Kuo et al. :  
Application No. 12/583,301 : **ON PETITION**  
Filed: 08/18/2009 :  
Attorney Docket Number: 0698/0497PUS1 :

This is a decision on the Petition Under 37 C.F.R. § 1.84(a)(2) to Accept Color Drawings and/or Photographs, filed in the United States Patent and Trademark Office (USPTO) on August 18, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;<sup>1</sup>
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

<sup>1</sup> The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2871.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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**FEB 28 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Akihiro Maruyama  
Application No. 12/583,308  
Filed: 08/18/2009  
Attorney Docket No.  
P16862-US (SAMS05-16862)

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:

ON PETITION

This is in response to the petition under 37 CFR 1.84(a)(2) for acceptance of color drawings, filed in the United States Patent and Trademark Office (USPTO) on August 18, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;<sup>1</sup>
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

<sup>1</sup> The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

Further correspondence with respect to this matter should be addressed as follows:

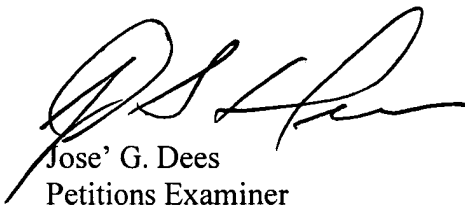
By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2821.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.



Jose' G. Dees  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

KEVIN MCDERMOTT  
110 OYSTER PLACE  
ROCKLEDGE FL 32955

**MAILED**

**JAN 13 2012**

**OFFICE OF PETITIONS**

In re Application of	:	
MCDERMOTT	:	
Application No. 12/583,418	:	DECISION ON PETITION
Filed: August 20, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 30, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2600.

The application is being forwarded to Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**LAW OFFICE OF ALICIA PORTER**  
**P.O. Box 241741**  
**Anchorage AK 99707**

**MAILED**

**JAN 10 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Noelle McCullough :  
Application No. 12/583,458 :  
Filed: October 25, 2008 :  
Attorney Docket No. 000068366 :

**ON PETITION**

This is a decision on the petition filed October 25, 2010 under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 22, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 23, 2010. A Notice of Abandonment was mailed on August 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business on the reply received October 25, 2010.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**FRANCIS LAW GROUP  
1942 EMABARCADERO  
OAKLAND CA 94606**

**MAILED**

**OCT 22 2010**

**OFFICE OF PETITIONS**

In re Application of

Gholam PEYMAN, et al

Application No. 12/583,466

Filed: August 21, 2009

Attorney Docket No. EP-02-002

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Ralph C. Francis, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2800.

The application is being forwarded to Technology Center Art Unit 2857 for action on the merits commensurate with this decision.

/DCG/

Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
www.uspto.gov

JOHN YENKAI PUN  
USPS  
P.O. BOX 1747  
COOS BAY OR 97420

**MAILED**

AUG 24 2010

OFFICE OF PETITIONS

In re Application of :  
John Yen kai Pun :  
Application No. 12/583,497 : DECISION ON PETITION  
Filed: August 20, 2009 :  
Title: Desiccant Based Absorption :  
Dehumidifier, Desiccant Regenerator And :  
Methods :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2010 to revive the above-identified application.

The petition is **GRANTED**.

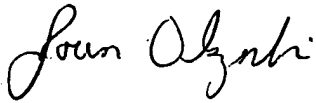
The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed September 15, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 16, 2009. A Notice of Abandonment was mailed May 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement claims, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Further, the address given on the petition differs from the new address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski  
Petition Examiner  
Office of Petitions

cc: John Yen kai Pun  
92955 Hill Grade Drive  
Coos Bay, Oregon 97420



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,506	08/20/2009	Harald Langer	584212008501	7655
25225 7590 09/21/2011 MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040			EXAMINER CHIU, THANG K	
			ART UNIT 1654	PAPER NUMBER
			NOTIFICATION DATE 09/21/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

EOfficeSD@mofo.com  
PatentDocket@mofo.com  
Drcaldwell@mofo.com



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[www.uspto.gov](http://www.uspto.gov)

25225

In re Application of: Harald Langer et al :  
Serial Number: 12/583,506 :  
Filed: August 20, 2009 :  
Attorney Docket: 584212008501 : DECISION ON PETITION  
For: Bispecific Fusion Protein Having Therapeutic  
And Diagnostic Potential

This is in response to applicant's petition to accept color drawings/photographs filed on August 20, 2009.

All requirements under 37 CFR 1.84(a)(2) are met. Accordingly, petition is Granted.

Petition GRANTED.

/Cecilia J. Tsang/  
Cecilia J. Tsang  
Supervisory Patent Examiner, Art nit 1654

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 881236880 US, on the date shown below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 20, 2009

Signature:   
(Jessica Ann Conen)

PATENT

Docket No.: 584212008501

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Harald LANGER et al.

Application No.: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Filed: Concurrently Herewith

Art Unit: Not Yet Assigned

For: BISPECIFIC FUSION PROTEIN HAVING  
THERAPEUTIC AND DIAGNOSTIC  
POTENTIAL

Examiner: Not Yet Assigned

**PETITION UNDER 37 C.F.R. § 1.84(A)(2) TO ACCEPT COLOR DRAWINGS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition under 37 CFR §1.84(a)(2) that the attached 10 sheets of color drawings (Figures 1-3), submitted in triplicate, be accepted in the above-referenced application. The required fee of \$130.00 is submitted herewith.

The subject matter of the invention relates to bispecific fusion protein and methods for using it. The color drawings in Figures 1-3 are necessary to accurately and clearly depict the subject matter sought to be patented.

Enclosed are three (3) sets of the color drawings. In addition, a reference to the color drawings is included in the specification on page 11 as the first paragraph of the brief description of the drawings.

08/24/2009 HDESTA1 00000044 031952 12583506

05 FC:1464 130.00 DA

sd-486456





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Alexandria, VA 22313-1450  
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**ROBERT L. RISPOLI**  
**PRECISION COMBUSTION, INC.**  
**410 SACKETT POINT ROAD**  
**NORTH HAVEN CT 06473**

**MAILED**  
**JAN 18 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
William C. Pfefferle :  
Application No. 12/583,508 : **ON PETITION**  
Filed: August 20, 2009 :  
Attorney Docket No. MOI 323 :  
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 3, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



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[www.uspto.gov](http://www.uspto.gov)

Kirk William Hermann  
150 Cerro Vista Way  
Anaheim CA 92262

**MAILED**

**APR 11 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
GUPTA, Honey	:	
Application No. 12/583,524	:	DECISION ON PETITION
Filed: August 22, 2009	:	TO WITHDRAW
Attorney Docket No. GUPTA-003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed March 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Kirk Hermann, the sole attorney of record. Kirk Hermann has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Honey Gupta at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **HONEY GUPTA**  
**15133 GREENLEAF STREET**  
**SHERMAN OAKS CA 91403**

UNITED STATES PATENT AND TRADEMARK OFFICE



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**ERNEST D. BUFF  
ERNEST D. BUFF AND ASSOCIATES, LLC.  
231 SOMERVILLE ROAD  
BEDMINSTER NJ 07921**

**MAILED  
APR 10 2012  
OFFICE OF PETITIONS**

In re Application of :  
Marni Markell Hurwitz :  
Application No. 12/583,550 : **DECISION ON PETITION**  
Filed: August 21, 2009 :  
Attorney Docket No. 0200-151 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 21, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 17, 2012, as required by the Notice of Allowance and Fee(s) Due mailed October 14, 2011. Accordingly, the date of abandonment of this application is January 18, 2012. A Notice of Abandonment was mailed February 1, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870.00 and the publication fee of \$300.00, (2) the petition fee of \$930.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.  
P O BOX 458  
ALAMEDA, CA 94501

**MAILED**

**FEB 17 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Jason W. Chin, et al. :  
Application No. 12/583,558 :  
Filed: August 20, 2009 :  
Attorney Docket No.: 54A-000246US :

ON PETITION

This is a decision on the petition, filed December 13, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed May 12, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on November 22, 2010. In response, on December 13, 2010, the present petition was filed wherein petitioner asserts that a reply was timely filed. A copy of the reply was included with the present petition.

A review of the record confirms that petitioner is correct. In view of the filing of an appropriate request for extension of time and fee using a Certificate of Mailing under 37 CFR 1.8 dated November 12, 2010, the response period of August 12, 2010 was properly extended. Accordingly, no abandonment existed on November 12, 2010, the date upon which the amendment was filed pursuant to 37 CFR 1.8.

The holding of abandonment for failure to timely file a response to the Office communication of May 12, 2010 is withdrawn and the application is restored to pending status.

The Notice of Abandonment mailed November 22, 2010 is hereby vacated.

This application is being referred to Technology Center AU 1656 technical support staff for withdrawing the holding of abandonment and for appropriate action by the Examiner in the normal course of business on the reply received November 15, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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WILLIAM NITKIN  
1320 CENTRE STREET  
SUITE 300  
NEWTON MA 02459

MAR 20 2012

In re Application of  
PRATT, JAMES M.  
Application No. 12/583,561  
Filed: August 24, 2009  
Attorney Docket No.: 113,140

: **DECISION ON PETITION**  
:  
:  
:  
:

This is a decision on the Petition To Withdraw Holding Of Abandonment received in the United States Patent and Trademark Office (USPTO) on February 21, 2012.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due, mailed October 20, 2011, which set forth a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed on February 6, 2012.

Petitioner has demonstrated that the Part B- Fee(s) Transmittal, Transmittal of Payment of Issue Fee, and Credit Card Form PTOL-2038 in the amount of \$1,200.00 were timely mailed via certificate of mailing on January 20, 2012. In compliance with 37 CFR 1.8(b) in that (1) the United States Patent and Trademark Office was promptly informed of the previous timely mailing, (2) a copy of the previously mailed correspondence with certificate of mailing thereon has been submitted, and (3) included a statement which attests to the previous timely mailing.

In view of the above, the holding of abandonment is hereby withdrawn. The application restored to pending status.

Telephone inquiries concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-756-1547.

Kay D. Pinkney  
Application Assistance Unit  
Office of Data Management





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,725	08/24/2009	Chun-Kai Liu	JCLA30277	2862
23900	7590	03/26/2012		
J C PATENTS 4 VENTURE, SUITE 250 IRVINE, CA 92618			EXAMINER TSAI, H JEY	
			ART UNIT 2895	PAPER NUMBER
			MAIL DATE 03/26/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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March 23, 2012

J C PATENTS  
4 VENTURE, SUITE 250  
IRVINE CA 92618

In re Application of :  
Chun-Kai Liu et al. : **DECISION ON PETITION**  
Application No. 12583725 :  
Filed: 08/24/2009 :  
Attorney Docket No. JCLA30277 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 24, 2009.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."*

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

*A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.*

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/  
Quality Control Specialist  
Office of Data Management  
Publications Branch





# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,725	08/24/2009	Chun-Kai Liu	JCLA30277	2862
23900	7590	04/16/2012		
J C PATENTS 4 VENTURE, SUITE 250 IRVINE, CA 92618			EXAMINER TSAI, H JEY	
			ART UNIT	PAPER NUMBER
			2895	
			MAIL DATE	DELIVERY MODE
			04/16/2012	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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April 13, 2012

J C PATENTS  
4 VENTURE, SUITE 250  
IRVINE CA 92618

In re Application of :  
Chun-Kai Liu et al. : **DECISION ON PETITION**  
Application No. 12583725 :  
Filed: 08/24/2009 :  
Attorney Docket No. JCLA30277 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 9, 2012.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."*

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

The insertion of the required "paragraph [0009'] right after paragraph [0009] at the BRIEF DESCRIPTION OF THE DRAWINGS of page 5," which is in the April 9, 2012 Amendment, is improper. The Substitute Specification filed November 2, 2009, on page 5 already has a paragraph [009'] under paragraph [0009], making the required paragraph the second paragraph, instead of the first paragraph, under the Brief Description of the Drawings. This is why the petition received August 24, 2009 was dismissed.

***A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.***

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**HOLLSTEIN KEATING CATTELL JOHNSON & GOLDSTEIN P.C.**  
**WILLOW RIDGE EXECUTIVE OFFICE PARK**  
**SUITE 301**  
**750 RT. 73S.**  
**MARLTON NJ 08053**

**MAILED**

**SEP 21 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Vosbikian et al.	:	
Application No. 12/583,786	:	<b>ON PETITION</b>
Filed: August 26, 2009	:	
Attorney Docket No. 2262.00016	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 1, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.


The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3635 for action on the merits commensurate with this decision.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,820	08/26/2009	Shigeru Harada	SONYJP 3.0-1991	6516
SONYJP Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Ave West Westfield, NJ 07090			EXAMINER AMINI, JAVID A	
7590 04/04/2012			ART UNIT PAPER NUMBER 2628	
			NOTIFICATION DATE DELIVERY MODE 04/04/2012 ELECTRONIC	

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: January 26, 2011

Electronic Signature for Daryl K. Neff: /Daryl K. Neff/

DKN

Docket No.: TESSERA 3.0-567 CIP  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Crisp et al.

Application No.: 12/583,830

Confirmation No.: 3972

Filed: August 26, 2009

Art Unit: 2622

For: WAFER LEVEL COMPLIANT PACKAGES  
FOR REAR-FACE ILLUMINATED SOLID  
STATE IMAGE SENSORS

Examiner: Not Yet Assigned

**PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants, Crisp et al., by their attorneys, petition to make special the above-captioned application under the "Project Exchange / Patent Application Backlog Reduction Stimulus Plan." Special status is sought based upon the express abandonment of a Co-pending Application owned by the same party as this application.

1. This application, for which special status is sought, is a nonprovisional application that has an actual filing date earlier than October 1, 2009. This application is owned by Tessera, Inc., now and as of October 1, 2009. This application has not yet been taken up for examination.

2. Co-pending nonprovisional Application 12/284,686 has an actual filing date of September 24, 2008 which is earlier than October 1, 2009, and said Co-pending Application is complete under 37 CFR 1.53.

3. Said Co-pending Application is owned by the same party as this Application, Tessera, Inc., as of October 1, 2009.

4. A letter of express abandonment (Declaration of Express Abandonment under 37 CFR 1.138(a)) (attached hereto as Exhibit 1) has been filed in said Co-pending Application before it has been taken up for examination, in that no examiner action has yet been made as recorded in the USPTO PAIR database on the date said Declaration was filed. The Declaration of Express Abandonment states:

(a) Applicants have not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code;

(b) Applicants agree not to request a refund of any fees paid in the expressly abandoned application; and

(c) Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application, as defined by statutory double-patenting under 35 U.S.C. 101.

5. Applicants have not filed petitions in more than fourteen other applications requesting special status under this program.

6. Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of this application to be made special are directed to two or more independent or distinct inventions.

7. It is believed that no fee is due for this Petition under the Project Exchange program per 74 F.R. 227

(November 27, 2009). However, if any fee is due, please charge the Deposit Account No. 12-1095.

Dated: January 26, 2011

Respectfully submitted,

*DRN*

Electronic signature: /Daryl K. Neff/  
Daryl K. Neff

Registration No.: 38,253

LERNER, DAVID, LITTENBERG, KRUMHOLZ &  
MENTLIK, LLP

600 South Avenue West  
Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants



# **EXHIBIT 1**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: January 26, 2011

Electronic Signature for Daryl K. Neff: /Daryl K. Neff/

DKN

Docket No.: TESSERA 3.0-331 DIV  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Belgacem Haba

Application No.: 12/284,686

Confirmation No.: 3070

Filed: September 24, 2008

Art Unit: 2814

For: COMPONENT AND ASSEMBLIES WITH  
ENDS OFFSET DOWNWARDLY

Examiner: A. Kalam

**DECLARATION OF EXPRESS ABANDONMENT UNDER 37 CFR 1.138 (a)**

MS Express Abandonment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant, Belgacem Haba, by his attorneys, files this declaration of express abandonment under 37 CFR 1.138(a). This Declaration of Express Abandonment is being filed under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan to secure special status for Co-Pending Application 12/583,830.

1. This declaration of express abandonment is being filed before the application has been taken up for examination.

2. Applicant has not and will not file an application that claims the benefit of this Application under any provision of title 35, United States Code;

3. Applicant agrees not to request a refund of any fees paid in this Application; and

4. Applicant has not and will not file a new application that claims the same invention claimed in this Application, as defined by statutory double-patenting under 35 U.S.C. 101.

5. It is believed that no fee is due for this Petition. However, if any fee is due, please charge the Deposit Account No. 12-1095.

Dated: January 26, 2011

Respectfully submitted,

DKN

Electronic signature: /Daryl K. Neff/  
Daryl K. Neff

Registration No.: 38,253

LERNER, DAVID, LITTENBERG, KRUMHOLZ &  
MENTLIK, LLP

600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000

Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
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TESSERA  
LERNER DAVID et al.  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090

**MAILED**

**FEB 02 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
CRISP, et al.	:	DECISION ON PETITION
Application No. 12/583,830	:	TO MAKE SPECIAL
Filed: August 26, 2009	:	37 CFR 1.102
Attorney Docket No. TESSERA 3.0-567 CIP	:	

This is a decision on the petition under 37 CFR 1.102, filed January 26, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
  - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

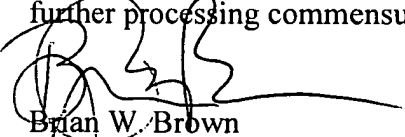
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

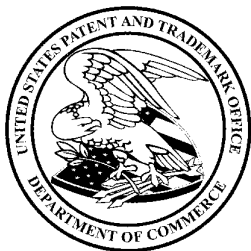


Brian W. Brown  
Petitions Examiner  
Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12583833	
Filing Date	26-Aug-2009	
First Named Inventor	Thomas Coghill	
Art Unit	3618	
Examiner Name	JACOB MEYER	
Attorney Docket Number	2009-EZRACKPAT	
Title	Modular beach cart system	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Tom Coghill	
Address	133 SE 18TH AVE	
City	Deerfield Beach	
State	FL	
Postal Code	33441-4534	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Bambi Faivre Walters/
Name	Bambi Faivre Walters
Registration Number	45197



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 17, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Thomas Coghill

ATTORNEY/AGENT OF RECORD

Application No : 12583833

Filed: 26-Aug-2009

Attorney Docket No : 2009-EZRACKPAT

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 17, 2012

The request is **APPROVED**

The request was signed by Bambi Faivre Walters (registration no. 45197 ) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name Tom Coghill

Name2

Address 1 133 SE 18TH AVE

Address 2

City Deerfield Beach

State FL

Postal Code 33441-4534

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions





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MCAFEE & TAFT  
TENTH FLOOR, TWO LEADERSHIP SQUARE  
211 NORTH ROBINSON  
OKLAHOMA CITY, OK 73102

**MAILED**

**AUG 18 2011**

**OFFICE OF PETITIONS**

Applicants: Sesh Commuri  
Appl. No.: 12/583,838  
Filing Date: August 26, 2010  
Title: METHOD AND APPARATUS FOR COMPACTION OF ROADWAY MATERIALS  
Attorney Docket: 68930.9  
Pub. No.: US 2010/0172696 A1  
Pub. Date: July 8, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 8, 2010, for the above-identified application.

The request is granted

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,838	08/26/2009	Sesh Commuri	68930.9	5111
24919 7590 04/09/2012 MCAFEE & TAFT TENTH FLOOR, TWO LEADERSHIP SQUARE 211 NORTH ROBINSON OKLAHOMA CITY, OK 73102			EXAMINER RISIC, ABIGAIL ANNE	
			ART UNIT 3671	PAPER NUMBER
			MAIL DATE 04/09/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

April 6, 2012

MCAFEE & TAFT  
TENTH FLOOR, TWO LEADERSHIP SQUARE  
211 NORTH ROBINSON  
OKLAHOMA CITY OK 73102

In re Application of	:	
Sesh Commuri	:	<b>DECISION ON PETITION</b>
Application No. 12583838	:	
Filed: 08/26/2009	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 68930.9	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 15, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following:

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450  
Alexandria, VA 22313-1450  
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HUGO PALACIOS  
246 Albert Court  
Healdsburg CA 95448

**MAILED**  
**APR 29 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Palacios :  
Application No. 12/583,877 : ON PETITION  
Filed: August 26, 2009 :  
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on April 12, 2011.

The petition is **DISMISSED**.

The record reflects that a final Office action was mailed on July 21, 2010, allowing a shortened statutory period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period, and the application became abandoned on October 22, 2010. A Notice of Abandonment was mailed on January 28, 2011. The instant petition was filed on April 12, 2011. Petitioner maintains that a response to the July 21, 2010, Office action was timely deposited with the United States Postal Service (USPS) on August 14, 2010, but that the post office facility was completely destroyed by fire. Petitioner presumes that petitioner's response was destroyed in the fire.

Section 711.03 of the *Manual of Patent Examining Procedure* provides guidance where, as in this case, petitioner is arguing that a timely response to the Office action was mailed and provides, in pertinent part, that:

37 CFR 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing

of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

37 CFR 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 CFR 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.

The above-cited section of the MPEP explains that in order for correspondence to receive a filing date as of the date of deposit with the United States Postal Service (USPS), the correspondence must either be mailed via USPS Express Mail, or the correspondence must contain a proper certificate of mailing pursuant to 37 CFR 1.8. Correspondence may also receive the date of the receipt with the USPTO if petitioner provides an itemized Office date-stamped postcard whereby the USPTO acknowledges receipt of the item mailed. There is no evidence that petitioner used the procedures provided in 37 CFR 1.8<sup>1</sup> and

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1  
It is noted that 37 CFR 1.8 provides that:

(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

1.10, which, if properly utilized, would allow a filing to be accorded a filing date as of the date mailed or deposited, respectively, rather than the date the filing was received by the Office. The certificate of mailing procedures under 37 CFR 1.8 allow for a filing date to be accorded as of the date the filing was mailed rather than the date the filing was received by the Office provided the procedures set out in 37 CFR 1.8 are followed and the filing is not excepted under 37 CFR 1.8(2)(i). The procedures under 37 CFR 1.10 allow correspondence deposited with the United States Postal Service Express Mail Service pursuant to 37 CFR 1.10 to be accorded a filing date as of the date-in shown on the Express Mail label rather than the date the filing was received by the Office. Filings made by any other mail service, i.e., first class postage, USPS certified mail, FEDEX, Priority Mail, will not receive the benefit of 37 CFR 1.10.

The holding of abandonment will cannot be withdrawn because petitioner has not provided *prima facie* evidence that a proper response to the Office action of July 21, 2010, was deposited with the USPS Express Mail Service under 37 CFR 1.10 within the period for reply, has not provided a certificate of mailing pursuant to 37 CFR 1.8, or an USPTO date-stamped postcard. The petition is dismissed accordingly.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee (\$1620.00 for a large entity and \$810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Petitioner may use the enclosed form to file this petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
United States Patent and Trademark Office  
Box 1450  
Alexandria, VA 22313-1450

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(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d);

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

A certificate of mailing as provided by the United States Postal Service is not the certificate of mailing which is referenced by 37 CFR 1.8 cited above. The certificate of mailing referenced by 37 CFR 1.8 consists of a statement that must be affixed to the correspondence in question indicating that paper was deposited with the United States Postal Service first-class mail on a particular date. Applicant is directed to Section 512 of the Manual of Patent Examining Procedure for further guidance on what a certificate of mailing as contemplated by 37 CFR 1.8 looks like and how it should appear on the paper to be filed.

<sup>2</sup> The hardship presented to petitioner by the confluence of events as set forth in the petition is appreciated.

However, a petition to withdraw the holding of abandonment is only appropriate where the application is not properly held abandoned. In this case, the application was properly held abandoned because a proper and timely response to the Office action was not received and petitioner has not provided any *prima facie* evidence that the response was deposited with the USPS, i.e., a certificate of mailing under 37 CFR 1.8 on a copy of the response retained by applicant or a Express Mail Receipt showing a date-in of August 21, 2010, or before.

In re Application No. 12/583,877

4

By facsimile: (571) 273-8300  
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

Enclosure: FORM PTO/SB/64



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

HUGO PALACIOS  
246 Albert Court  
Healdsburg CA 95448

**MAILED**

**MAY 09 2011**

**OFFICE OF PETITIONS**

In re Application of  
Palacios  
Application No. 12/583,878  
Filed: August 26, 2009  
Attorney Docket No.

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:  
:  
:

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on April 12, 2011.

The petition is **DISMISSED**.

The record reflects that a final Office action was mailed on September 14, 2010, allowing a shortened statutory period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period, and the application became abandoned on December 15, 2010. A Notice of Abandonment was mailed on March 30, 2011. The instant petition was filed on April 12, 2011. Petitioner maintains that a response to the July 21, 2010, Office action was timely deposited with the United States Postal Service (USPS) on August 14, 2010, but that the post office facility was completely destroyed by fire. Petitioner presumes that petitioner's response was destroyed in the fire.

Section 711.03 of the *Manual of Patent Examining Procedure* provides guidance where, as in this case, petitioner is arguing that a timely response to the Office action was mailed and provides, in pertinent part, that:

37 CFR 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing



of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

37 CFR 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 CFR 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.

The above-cited section of the MPEP explains that in order for correspondence to receive a filing date as of the date of deposit with the United States Postal Service (USPS), the correspondence must either be mailed via USPS Express Mail, or the correspondence must contain a proper certificate of mailing pursuant to 37 CFR 1.8. Correspondence may also receive the date of the receipt with the USPTO if petitioner provides an itemized Office date-stamped postcard whereby the USPTO acknowledges receipt of the item mailed. There is no evidence that petitioner used the procedures provided in 37 CFR 1.8<sup>1</sup> and

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<sup>1</sup>

It is noted that 37 CFR 1.8 provides that:

(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

1.10, which, if properly utilized, would allow a filing to be accorded a filing date as of the date mailed or deposited, respectively, rather than the date the filing was received by the Office. The certificate of mailing procedures under 37 CFR 1.8 allow for a filing date to be accorded as of the date the filing was mailed rather than the date the filing was received by the Office provided the procedures set out in 37 CFR 1.8 are followed and the filing is not excepted under 37 CFR 1.8(2)(i). The procedures under 37 CFR 1.10 allow correspondence deposited with the United States Postal Service Express Mail Service pursuant to 37 CFR 1.10 to be accorded a filing date as of the date-in shown on the Express Mail label rather than the date the filing was received by the Office. Filings made by any other mail service, i.e., first class postage, USPS certified mail, FEDEX, Priority Mail, will not receive the benefit of 37 CFR 1.10.

The holding of abandonment will cannot be withdrawn because petitioner has not provided *prima facie* evidence that a proper response to the Office action of July 21, 2010, was deposited with the USPS Express Mail Service under 37 CFR 1.10 within the period for reply, has not provided a certificate of mailing pursuant to 37 CFR 1.8, or an USPTO date-stamped postcard. The petition is dismissed accordingly.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee (\$1620.00 for a large entity and \$810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Petitioner may use the enclosed form to file this petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
United States Patent and Trademark Office  
Box 1450  
Alexandria, VA 22313-1450

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(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d);

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

A certificate of mailing as provided by the United States Postal Service is not the certificate of mailing which is referenced by 37 CFR 1.8 cited above. The certificate of mailing referenced by 37 CFR 1.8 consists of a statement that must be affixed to the correspondence in question indicating that paper was deposited with the United States Postal Service first-class mail on a particular date. Applicant is directed to Section 512 of the Manual of Patent Examining Procedure for further guidance on what a certificate of mailing as contemplated by 37 CFR 1.8 looks like and how it should appear on the paper to be filed.

<sup>2</sup> The hardship presented to petitioner by the confluence of events as set forth in the petition is appreciated. However, a petition to withdraw the holding of abandonment is only appropriate where the application is not properly held abandoned. In this case, the application was properly held abandoned because a proper and timely response to the Office action was not received and petitioner has not provided any *prima facie* evidence that the response was deposited with the USPS, i.e., a certificate of mailing under 37 CFR 1.8 on a copy of the response retained by applicant or a Express Mail Receipt showing a date-in of August 21, 2010, or before.

In re Application No. 12/583,878

4

By facsimile: (571) 273-8300  
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

Enclosure: FORM PTO/SB/64



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HARRIS BROTMAN  
SUITE 300  
7911 HERSCHEL AVENUE  
LA JOLLA CA 92037

MAILED

AUG 11 2010

OFFICE OF PETITIONS

In re Application of :  
Richard David Galinson :  
Application No. 12/583,902 :  
Filed: August 27, 2009 :  
Attorney Docket No. GAL01001 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed September 18, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 19, 2009. The Notice of Abandonment was mailed May 18, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

The petition fee set forth in 37 CFR 1.17(m) is \$810. The petitioner only submitted \$770 and there is not authorization to charge a deposit account. There is still \$40 owed to complete the filing of this petition.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.



Terri Johnson  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**HARRIS BROTMAN  
SUITE 300  
7911 HERSCHEL AVENUE  
LA JOLLA CA 92037**

**MAILED**

**SEP 21 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Richard David Galinson	:	
Application No. 12/583,902	:	DECISION ON PETITION
Filed: August 27, 2009	:	
Attorney Docket No. GAL01001	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 18, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 19, 2009. The Notice of Abandonment was mailed May 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings and substitute specification, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

Invention Title: Methods for Collecting and Analyzing Thermal Data Based on Breast Surface Temperature to Determine Suspect Conditions

Inventor(s): Holmes et al.

Docket No.: 300033-00001C2

Application No.: 12/583,951

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 12/583,951  
Confirmation No. : 3608  
First Named Inventor : Holmes, Jimmy D.  
Filed : 08/27/2009  
TC/Art Unit : 3736  
Examiner : Renee A. Danega  
Docket No. : 300033-00001C2  
Customer No. : 71375  
For : METHODS FOR COLLECTING AND ANALYZING THERMAL DATA  
BASED ON BREAST SURFACE TEMPERATURE TO DETERMINE  
SUSPECT CONDITIONS

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR SPECIAL STATUS FOR**

**ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102**

Sir:

In accordance with the conditions published in accordance with implementation of Project Exchange/Patent Application Backlog Reduction Stimulus Plan, as set forth in 75 Fed. Reg. 36063, 75 Fed. Reg. 5041 and 74 Fed. Reg. 62285, Applicants herein petition for special status to advance examination under 37 CFR 1.102 of U.S. Patent Application No. 12/583,951 (from herein "special application") in view of Applicants concurrent express abandonment of



Invention Title: Methods for Collecting and Analyzing Thermal Data Based on Breast Surface Temperature to Determine Suspect Conditions

Inventor(s): Holmes et al.

Docket No.: 300033-00001C2

Application No.: 12/583,951

copending application U.S. Patent Application No. 12/583,970 (from herein "abandoned application").

A copy of the letter of express abandonment of the abandoned application, including the statements required to accompany such letter, are attached hereto.

The special application and the abandoned application have at least one common inventor, Jimmy D. Holmes, and are commonly assigned, as is required to qualify the special application for special status.

Applicants have not filed any prior petitions in other applications requesting special status under this program.

Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the special application are directed to two or more independent and distinct inventions. Should a telephonic interview be necessary to make an election without a traverse, the Office is invited to call the undersigned.

The abandoned application shall not form the basis for any other petition under 37 CFR 1.102.

Invention Title: Methods for Collecting and Analyzing Thermal Data Based on Breast Surface Temperature to Determine Suspect Conditions

Inventor(s): Holmes et al.

Docket No.: 300033-00001C2

Application No.: 12/583,951

As the requirement for a fee to consider this petition to make special for applications pertaining to Project Exchange/Patent Application Backlog Reduction Stimulus Plan have been waived by the Office, no fee has been paid concurrently herewith.

Respectfully submitted,

/Timothy D. Casey/

Timothy D. Casey  
Reg. No. 33,124  
SilverSky Group LLC  
5422 Longley Lane, Suite B  
Reno, NV 89511

Date: October 26, 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SILVERSKY GROUP LLC  
5422 LONGLEY LANE, SUITE B  
RENO NV 89511

**MAILED**

**OCT 29 2010**

In re Application of :  
HOLMES :  
Application No. 12/583,951 :  
Filed: August 27, 2009 :  
Attorney Docket No. 300033-00001C2 :

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**  
**TO MAKE SPECIAL**  
**37 CFR 1.102**

This is a decision on the petition under 37 CFR 1.102, filed October 26, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
  - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
  - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.


The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

  
Brian W. Brown  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/583,976	08/28/2009	An-Chi Wei	US22893	6861
7590 02/17/2011 Altis Law Group, Inc. ATTN: Steven Reiss 288 SOUTH MAYO AVENUE CITY OF INDUSTRY, CA 91789			EXAMINER GREECE, JAMES R	
			ART UNIT 2873	PAPER NUMBER
			NOTIFICATION DATE 02/17/2011	DELIVERY MODE ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Betty Powell*

Patent Publication Branch  
Office of Data Management



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DOUGLASS J. BEVEL  
7364 S. KING DR. #1  
CHICAGO, IL 60619

**MAILED**

**APR 18 2011**

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**


In re Application of  
Douglas Bevel  
Application No. 12/584,013  
Filed: August 27, 2009  
Attorney Docket No. 090059/001

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 18, 2011.

The request is **APPROVED**.

A review of the file record indicates that Lawrence Thompson: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Lawrence Thompson has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Lawrence Thompson  
The Thompson Law Office P.C.  
831 S. State Street  
Lockport, IL 60441



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www.uspto.gov

HUGO PALACIOS  
246 Albert Court  
Healdsburg CA 95448

**MAILED**

**MAY 09 2011**

**OFFICE OF PETITIONS**

In re Application of  
Palacios  
Application No. 12/584,056  
Filed: August 27, 2009  
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on April 12, 2011.

The petition is **DISMISSED**.

The record reflects that a final Office action was mailed on August 18, 2010, allowing a shortened statutory period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period, and the application became abandoned on November 19, 2010. A Notice of Abandonment was mailed on March 2, 2011. The instant petition was filed on April 12, 2011. Petitioner maintains that a response to the August 18, 2010, Office action was timely deposited with the United States Postal Service (USPS) on August 14, 2010, but that the post office facility was completely destroyed by fire. Petitioner presumes that petitioner's response was destroyed in the fire.

Section 711.03 of the *Manual of Patent Examining Procedure* provides guidance where, as in this case, petitioner is arguing that a timely response to the Office action was mailed and provides, in pertinent part, that:

37 CFR 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing

of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

37 CFR 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 CFR 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.

The above-cited section of the MPEP explains that in order for correspondence to receive a filing date as of the date of deposit with the United States Postal Service (USPS), the correspondence must either be mailed via USPS Express Mail, or the correspondence must contain a proper certificate of mailing pursuant to 37 CFR 1.8. Correspondence may also receive the date of the receipt with the USPTO if petitioner provides an itemized Office date-stamped postcard whereby the USPTO acknowledges receipt of the item mailed. There is no evidence that petitioner used the procedures provided in 37 CFR 1.8<sup>1</sup> and

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<sup>1</sup>

It is noted that 37 CFR 1.8 provides that:

(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:



1.10, which, if properly utilized, would allow a filing to be accorded a filing date as of the date mailed or deposited, respectively, rather than the date the filing was received by the Office. The certificate of mailing procedures under 37 CFR 1.8 allow for a filing date to be accorded as of the date the filing was mailed rather than the date the filing was received by the Office provided the procedures set out in 37 CFR 1.8 are followed and the filing is not excepted under 37 CFR 1.8(2)(i). The procedures under 37 CFR 1.10 allow correspondence deposited with the United States Postal Service Express Mail Service pursuant to 37 CFR 1.10 to be accorded a filing date as of the date-in shown on the Express Mail label rather than the date the filing was received by the Office. Filings made by any other mail service, i.e., first class postage, USPS certified mail, FEDEX, Priority Mail, will not receive the benefit of 37 CFR 1.10.

The holding of abandonment will cannot be withdrawn because petitioner has not provided *prima facie* evidence that a proper response to the Office action of July 21, 2010, was deposited with the USPS Express Mail Service under 37 CFR 1.10 within the period for reply, has not provided a certificate of mailing pursuant to 37 CFR 1.8, or an USPTO date-stamped postcard. The petition is dismissed accordingly<sup>2</sup>.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee (\$1620.00 for a large entity and \$810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Petitioner may use the enclosed form to file this petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
United States Patent and Trademark Office  
Box 1450  
Alexandria, VA 22313-1450

---

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d);

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

A certificate of mailing as provided by the United States Postal Service is not the certificate of mailing which is referenced by 37 CFR 1.8 cited above. The certificate of mailing referenced by 37 CFR 1.8 consists of a statement that must be affixed to the correspondence in question indicating that paper was deposited with the United States Postal Service first-class mail on a particular date. Applicant is directed to Section 512 of the Manual of Patent Examining Procedure for further guidance on what a certificate of mailing as contemplated by 37 CFR 1.8 looks like and how it should appear on the paper to be filed.

<sup>2</sup> The hardship presented to petitioner by the confluence of events as set forth in the petition is appreciated. However, a petition to withdraw the holding of abandonment is only appropriate where the application is not properly held abandoned. In this case, the application was properly held abandoned because a proper and timely response to the Office action was not received and petitioner has not provided any *prima facie* evidence that the response was deposited with the USPS, i.e., a certificate of mailing under 37 CFR 1.8 on a copy of the response retained by applicant or a Express Mail Receipt showing a date-in of August 21, 2010, or before.

By facsimile: (571) 273-8300  
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CHA & REITER LLC  
17 ARCADIAN AVENUE  
SUITE 208  
PARAMUS NJ 07652

**MAILED**

MAR 16 2012

OFFICE OF PETITIONS

In re Application of	:	DECISION
Seo, et al.	:	ON PETITION
Application No. 12/584,099	:	
Filed: August 31, 2009	:	
Attorney Docket Number: 5000-1-1256	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed August 31, 2009, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

- (1) The fee set forth in 37 C.F.R. 1.17(h);
- (2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- (3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not necessary for an understanding of the invention.

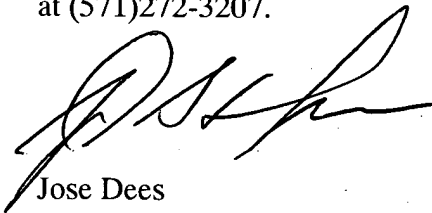
Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2821 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

A handwritten signature in black ink, appearing to read 'J. Dees', is written over the printed name and title.

Jose Dees  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**OCT 08 2010**

**OFFICE OF PETITIONS**

**JAMES A. PECORE  
P.O. BOX 877649  
WASILLA AK 99687**

In re Application of	:	
James A. PECORE	:	
Application No. 12/584,119	:	DECISION ON PETITION
Filed: October 23, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 30, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

The application is being forwarded to Technology Center Art Unit 3724 for action on the merits commensurate with this decision.

/DCG/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Peter Loffler  
P.O. Box 1001  
Niceville, FL 32588-1001

**MAILED**

SEP 09 2010

**OFFICE OF PETITIONS**

In re Application of  
Philip Cryar  
Application No. 12/584,241  
Filed: September 3, 2009  
Attorney Docket No. 390601

DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed June 24, 2010.

The request is **APPROVED**.

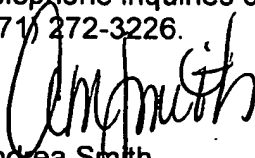
The request was signed by Peter Loffler on behalf of himself and all the attorneys/agents of record. Therefore, Peter Loffler and all the attorneys/agents of record have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

This application file is being referred to Technology Center Art Unit 1795 for examination in due course.

The change of correspondence address is accepted. Thus all future communications from the Office will be mailed to the sole inventor at the address listed below until otherwise notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Philip Cryar  
1069 Bay Drive  
Santa Rosa Beach, FL 32459



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Peter Loffler  
P.O. Box 1001  
Niceville, FL 32588-1001

**MAILED**

**SEP 09 2010**

**OFFICE OF PETITIONS**

In re Application of  
Philip Cryar  
Application No. 12/584,241  
Filed: September 3, 2009  
Attorney Docket No. 390601

DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed June 24, 2010.

The request is **APPROVED**.

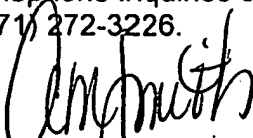
The request was signed by Peter Loffler on behalf of himself and all the attorneys/agents of record. Therefore, Peter Loffler and all the attorneys/agents of record have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

This application file is being referred to Technology Center Art Unit 1795 for examination in due course.

The change of correspondence address is accepted. Thus all future communications from the Office will be mailed to the sole inventor at the address listed below until otherwise notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Philip Cryar  
1069 Bay Drive  
Santa Rosa Beach, FL 32459



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Alexandria, VA 22313-1450  
www.uspto.gov

DRINKER BIDDLE & REATH  
ATTN: INTELLECTUAL PROPERTY GROUP  
ONE LOGAN SQUARE  
SUITE 2000  
PHILADELPHIA, PA 19103-6996

**MAILED**

**MAR 28 2011**

**OFFICE OF PETITIONS**

In re Application of

Robb Fujioka

Application No. 12/584,264

Filed: September 2, 2009

Attorney Docket No. 203103-0002-00-US

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Accordingly, the request cannot be approved because practitioners were not appointed by customer number. Practitioners must withdraw using the same manner by which they were appointed.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary



evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: FUHU, INC.  
909 N. SEPULVEDA BOULDEVARD  
SUITE 540  
EL SEGUNDO, CA 90245



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**WILL WELDON MATHEWS**  
**P.O.BOX 903**  
**FAIRACRES NM 88033**

**MAILED**

**SEP 30 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Will Weldon MATTHEWES	:	
Application No. 12/584,268	:	DECISION ON PETITION
Filed: September 02, 2009	:	
Attorney Docket No. Mathews-KLitter	:	

This is a decision on the petition, filed May 25, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.8(b) is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed September 23, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. A notice of abandonment was mailed May 17, 2010.

Petitioner states that a response to the Notice to file Corrected Application Papers mailed September 23, 2009 was filed timely with extension of times.

A review of the Office records indicates that a two (2) month extension of time was filed December 09, 2009. The Office has discovered the mistake by applicant in the papers filed December 09, 2009. The serial number on the extension of times included an incorrect application number. In processing by the Office the response was initially placed in 12/548,268. However a subsequent review of the identifiers by the Office indicates that the correct serial number should have been 12/584,268. The Office moved the extension of times filed December 09, 2009 from 12/548,268 to 12/584,268. Applicant filed three extension of times totaling \$865.00, which gave the applicant until March 23, 2010 to reply.

In view of the above the reply submitted February 16, 2010 is considered timely filed, therefore the petition will be granted.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application file is being referred to the Office of Patent Application Processing.

A handwritten signature in black ink, appearing to read "Thurman Page". The signature is fluid and cursive, with the first name "Thurman" and last name "Page" clearly distinguishable.

Thurman Page  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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Pequignot + Myers LLC  
90 North Coast Highway 101  
Suite 208  
Encinitas CA 92024

**MAILED**

**FEB 23 2012**

**OFFICE OF PETITIONS**

In re Application of:  
Witzman et al.  
Application No. 12/584,339  
Filed: 09/03/2009  
Atty. Docket Number: 18-301 US

:  
: DECISION ON PETITION  
:  
: *ACCEPTANCE OF COLOR*  
: *DRAWINGS*

This is a decision on the petition under 37 C.F.R. 1.84(a)(2) received in the United States Patent and Trademark Office (USPTO) on September 3, 2009.

The petition is **GRANTED**.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:


- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore the petition is **GRANTED**.

The application is referred to Technology Center Art Unit 2872 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

  
Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
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JAN 05 2011

CELL SIGNALING TECHNOLOGY, INC.  
3 Trask Lane  
Danvers, MA 01923

In re Application of:  
Rikova et al.

Serial No.: 12/584,353  
Filed: September 3, 2009  
Docket: CST-233CON

: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37 C.F.R.  
: § 1.102 & M.P.E.P. § 708.02  
:  
:

Title: Gene Defects And Mutant ALK Kinase In  
Human Solid Tumors

This is a decision on the petition filed on September 3, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;

*Conditions for Examination:* The application must be in condition for examination at the time of filing. This means the application must include the following:

- (A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (*see* MPEP section 607(I)),
- (B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (*see* MPEP section 607(II));
- (C) An executed oath or declaration in compliance with 37 CFR 1.63;
- (D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;
- (E) A title and an abstract in compliance with 37 CFR 1.72;
- (F) Drawings in compliance with 37 CFR 1.84;
- (G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);
- (H) Foreign priority claim under 35 U.S.C. 119(a)–(d) identified in the executed oath or declaration or an application data sheet (if applicable);
- (I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (*e.g.*, the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is accurate, have been filed in the provisional application) (if applicable);
- (J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);
- (K) No preliminary amendments present on the filing date of the application; and
- (L) No petition under 37 CFR 1.47 for a non-signing inventor.

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not in condition for examination as evidenced by applicants' failure to file this petition in accordance with the rules for accelerated examination and MPEP 708.02 which states "Any petition to make special, other than those based on applicant's health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements for the revised accelerated examination program set forth in MPEP § 708.02(a). See subsections III and IV below for the requirements for filing a petition to make special based on applicant's health or age. Applications filed prior to August 25, 2006 are not eligible for the revised accelerated examination program set forth in MPEP § 708.02(a). Until August 25, 2006, applicant may file a petition to make special in an application filed prior to August 25, 2006 by complying with the guidelines and requirements set forth in subsections I-II, and V-XII below. A petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP § 708.02(a)."

For the above-stated reasons, the petition is **DENIED**.

The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/  
Marianne. C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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DENNIS W. BEECH (LAW OFFICE OF DENNIS W. BEECH)  
P.O. BOX 519  
MURRIETA CA 92564-0519

**MAILED**

**JAN 24 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Maldonado :  
Application No. 12/584,412 : **DECISION ON PETITION**  
Filed: September 5, 2009 :  
For: EDGING AND TRIMMING :  
APPARATUS FOR ATTACHMENT TO :  
LAWN MOWERS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, which was mailed July 7, 2010. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on October 8, 2010. A Notice of Abandonment was mailed on October 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the \$755 issue fee, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Data Management for further processing.

Charlema Grant  
Petitions Attorney  
Office of Petitions





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Alexandria, VA 22313-1450  
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CARMEN PATTI LAW GROUP, LLC  
ONE N. LASALLE STREET  
44TH FLOOR  
CHICAGO IL 60602

MAILED

NOV 17 2010

OFFICE OF PETITIONS

In re Application of  
Baughner et al.  
Application No. 12/584,422  
Filed: September 4, 2009  
Attorney Docket No. NIK-110

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2010.

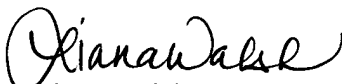
The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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CARMEN PATTI LAW GROUP, LLC  
ONE N. LASALLE STREET  
44TH FLOOR  
CHICAGO IL 60602

**MAILED**  
**JAN 07 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Baugher et al.  
Application No. 12/584,422  
Filed: September 4, 2009  
Attorney Docket No. NIK-110

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**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 7, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Charles L. Warren on behalf of all attorneys/agents of record who are associated with Customer Number 32205. All attorneys/agents associated with Customer Number 32205 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, Tzee Inc., at the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: TZEE INC. (AKA AUMNE INC.)  
4343 COMMERCE COURT, SUITE 200  
LISLE IL 60532



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CARMEN PATTI LAW GROUP, LLC  
ONE N. LASALLE STREET  
44TH FLOOR  
CHICAGO IL 60602

**MAILED**

NOV 17 2010

**OFFICE OF PETITIONS**

In re Application of	:	
Baughner et al.	:	DECISION ON PETITION
Application No. 12/584,423	:	TO WITHDRAW
Filed: September 4, 2009	:	FROM RECORD
Attorney Docket No. NIK-111	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh  
Petitions Examiner  
Office of Petitions



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CARMEN PATTI LAW GROUP, LLC  
ONE N. LASALLE STREET  
44TH FLOOR  
CHICAGO IL 60602

**MAILED**

**JAN 07 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Baughner et al.	:	DECISION ON PETITION
Application No. 12/584,423	:	TO WITHDRAW
Filed: September 4, 2009	:	FROM RECORD
Attorney Docket No. NIK-111	:	

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 7, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Charles L. Warren on behalf of all attorneys/agents of record who are associated with Customer Number 32205. All attorneys/agents associated with Customer Number 32205 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, Tzee Inc., at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: TZEE INC. (AKA AUMNE INC.)  
4343 COMMERCE COURT, SUITE 200  
LISLE IL 60532



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/584,441

09/04/2009

Lynn A. Buckner

2440

7590  
LYNN A. BUCKNER  
P.O. Box 609  
Chickamauga, GA 30707

09/06/2011

EXAMINER
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SCHNEIDER, CRAIG M

ART UNIT	PAPER NUMBER
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3753

MAIL DATE	DELIVERY MODE
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09/06/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/584,441	04 September 2009	BUCKNER ET AL.	

EXAMINER
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LYNN A. BUCKNER  
P.O. Box 609  
Chickamauga, GA 30707

Schneider

ART UNIT	PAPER
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3753 20110906

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

This is in response to the applicant's Request to withdraw the Notice Requiring Excess Claims Fee mailed on April 27, 2011 filed on May 10, 2011. The request has been granted. The Notice mailed on April 27, 2011 is now withdrawn. All fees are properly paid and claims have been entered and allowed.

/Henry Yuen/  
Supervisory Patent Examiner, Art Unit 3742

9/6/11



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Commissioner for Patents  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**Jonathan Golding**  
**26877 Nina Place**  
**Los Altos Hills CA 94022**

**MAILED**  
**NOV 22 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Jonathan Golding et al. :  
Application No. 12/584,444 : **DECISION ON PETITION**  
Filed: September 5, 2009 :  
Attorney Docket No. Golding-1001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed June 8, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 9, 2010. A Notice of Abandonment was mailed on February 16, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

As to item (3) the statement of unintentional delay is presently not acceptable since the statement of unintentional delay was not properly signed. The petition was not signed by all of the inventors. See 37 CFR 1.33(b) which states:

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.



Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
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**Jonathan Golding**  
**26877 Nina Place**  
**Los Altos Hills CA 94022**

**MAILED**

**DEC 20 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Jonathan Golding et al.	:	
Application No. 12/584,444	:	DECISION ON PETITION
Filed: September 5, 2009	:	
Attorney Docket No. Golding-1001	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed June 8, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 9, 2010. A Notice of Abandonment was mailed on February 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$930, (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the replies received November 3, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**ATTN: TRAVIS DODD  
GAVRILOVICH, DODD & LINDSEY, LLP  
2490 HEYNEMAN HOLLOW  
FALLBROOK, CA 92028**

**MAILED**

**DEC 20 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Liao et al.	:	
Application No: 12/584,476	:	DECISION ON PETITION
Filed: September 4, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. LT3200	:	

This is a decision on the petition, filed October 29, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on August 25, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 24, 2011, accompanies this decision on petition.

Petitioner should note that the registration number listed on the petition is incorrect.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center Art Unit 2829 for examination on the merits.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/584,476	09/04/2009	Shirong Liao	LT3200

**CONFIRMATION NO. 6017**

ATTN: Travis Dodd  
GAVRILOVICH, DODD & LINDSEY, LLP  
2490 Heyneman Hollow  
Fallbrook, CA 92028

## NONPUBLICATION RESCISSION LETTER



Date Mailed: 12/20/2010

### Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 03/24/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

<sup>1</sup> Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JAMES L. DAVISON  
19822 226TH AVENUE N.E.  
WOODINVILLE WA 98077

**MAILED**

OCT 06 2010

**OFFICE OF PETITIONS**

In re Application of :  
Bogle et al. :  
Application No. 12/584,611 : **DECISION ON PETITION**  
Filed: September 9, 2009 :  
Attorney Docket No. JOBS-1006 CIP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 30, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 1, 2009. A Notice of Abandonment was mailed June 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration and Surcharge fee of \$65.00 (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski  
Petition Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/584,654	09/10/2009	Ruby Lee Brown		5274

7590 01/30/2012  
Ruby L. Brown  
13771 Musket Ct.  
Woodbridge, VA 22193

EXAMINER
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VASAT, PETER S

ART UNIT	PAPER NUMBER
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3764

MAIL DATE	DELIVERY MODE
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01/30/2012

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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[www.uspto.gov](http://www.uspto.gov)

Ruby L. Brown  
13771 Musket Ct.  
Woodbridge, VA 22193

LETTER RESCINDING NOTICE OF ABANDONMENT

A review of this application shows the Notice of Abandonment, Form PTO-1432, was mailed on January 12, 2012 in patent application Serial Number 12/584,654. The Notice of Abandonment alleged that applicant failed to respond to the Office Action mailed on May 12, 2011. However, it is noted the applicant in fact did submit an amendment on August 26, 2011 but failed to pay appropriate one-month extension of time fee on August 26, 2011. A signed certificate of mailing dated on August 24, 2011 was attached with the amendment filed on August 26, 2011.

Accordingly, the Notice of Abandonment is withdrawn and abandonment status is hereby RESCINDED. A insufficient fee due letter will be sent in due course. Therefore, the application is not abandoned at this time.

Any inconvenience occasioned by the delay in associating the response with the application file is regretted.

/Henry C. Yuen/

Henry C. Yuen  
Special Programs Examiner  
TC 3700  
571-272-4856





UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

OCT 04 2010

**OFFICE OF PETITIONS**

**BAKER BOTTS L.L.P.  
30 ROCKEFELLER PLAZA  
44<sup>TH</sup> FLOOR  
NEW YORK, NY 10112-4498**

In re Application of  
Mehdi COLLINGE, et al  
Application No. 12/584,704  
Filed: September 9, 2009  
Attorney Docket No. 070457.2599

:  
:  
: DECISION ON PETITION  
:  
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 5, 2008. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 6, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a properly signed declaration and required fee; (2) the petition fee of \$1620; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for further pre-examination processing.

/DCG/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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**MAILED**

**APR 11 2011**

**OFFICE OF PETITIONS**

**Kirk William Hermann  
150 Cerro Vista Way  
Anaheim CA 92262**

In re Application of	:	
CHEN, Jian	:	
Application No. 12/584,769	:	DECISION ON PETITION
Filed: September 12, 2009	:	TO WITHDRAW
Attorney Docket No. SCIAN-001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed March 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Kirk Hermann, the sole attorney of record. Kirk Hermann has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Jian Chen at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **JIAN CHEN  
22910 ESTRORIL DR. #5  
DIAMOND BAR CA 91765**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

January 10, 2012

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

Re Application of  
SCHWENDIMANN, JODI A., Et Al  
Application: **12/584818**  
Filed: **09/11/2009**  
Attorney Docket No: **1010.034US1**

: **DECISION ON PETITION**  
: **ACCEPTANCE OF COLOR**  
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 11, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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**THOMAS A. O'ROURKE  
BODNER & O'ROURKE, LLP  
425 BROADHOLLOW ROAD  
MELVILLE NY 11747**

**MAILED**

**OCT 26 2011**

**OFFICE OF PETITIONS**

In re Application of  
Steven Levine  
Application No. 12/584,825  
Filed: September 11, 2009  
Title: Adjustable Roller Leg

**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed October 2, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 3, 2009. A Notice of Abandonment was mailed June 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration, Replacement Drawings, the \$65.00 Surcharge fee, the \$190.00 Basic Filing fee, the \$310.00 Search fee, the \$125.00 Examination fee, the \$250.00 Additional independent claims fee, and the \$750.00 Additional claims fee; (2) the petition fee of \$930.00, and (3) a proper statement of unintentional delay.

Further, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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ONELLO & MELLO LLP  
ELEVEN BEACON STREET  
SUITE 605  
BOSTON MA 02108

MAILED

OCT 17 2011

OFFICE OF PETITIONS

In re Application of :  
Yu-Sik Kim :  
Application No. 12/584,857 : DECISION GRANTING PETITION  
Filed: September 14, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. SAM-1384 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 13, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on September 22, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**MAILED**  
**AUG 25 2011**  
**OFFICE OF PETITIONS**

DENTSPLY INTERNATIONAL INC  
570 WEST COLLEGE AVENUE  
YORK PA 17404

In re Application of :  
Klee et al. :  
Application No. 12/584,858 : **ON PETITION**  
Filed: September 14, 2009 :  
Attorney Docket No. KON-115U1-CON :  
For: DENTAL ADHESIVE :

This is a decision on the petition under 37 CFR 1.137(b), filed August 17, 2011, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.


This application became abandoned for failure to properly reply to the Notice to File Corrected Application Papers, mailed December 10, 2009, which set a two month shortened statutory period for reply. Applicants obtained a three month extension of time pursuant to 37 CFR 1.136(a) and filed a reply. The reply was deficient, as explained in the Notice of Abandonment, mailed August 19, 2010. This application became abandoned on May 11, 2010.

Applicants have submitted a proper reply to the December 10, 2009 Notice in the form of a substitute specification, with markings and clean, a statement of no new matter, and replacement drawings, an acceptable statement of the unintentional nature of the delay in responding to the December 10, 2009 Notice, and the \$1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110.00 extension of time fee submitted with the petition on August 17, 2011 was filed subsequent to the expiration of the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioners' deposit account.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

BRANDON N. SKLAR, ESQ. (PATENT PROSECUTION)  
KAYE SCHOLER, LLP  
425 PARK AVENUE  
NEW YORK, NY 10022-3598

**MAILED**  
**OCT 13 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Wai Lam, et al. :  
Application No. 12/584,865 : DECISION GRANTING PETITION  
Filed: September 14, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 38426-1042 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 12, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on September 14, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3727 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**LAW OFFICES OF JOHN W. CARPENTER LLC**  
**BOX 3786**  
**PLACIDA FL 33946**

**MAILED**

**MAR 22 2011**

**OFFICE OF PETITIONS**

In re Application of:  
Jay SMITH et al.  
Application No. 12/584,880  
Filing Date: September 14, 2009  
Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on October 05, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Corrected Application Papers mailed October 08, 2009, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on December 09, 2009.

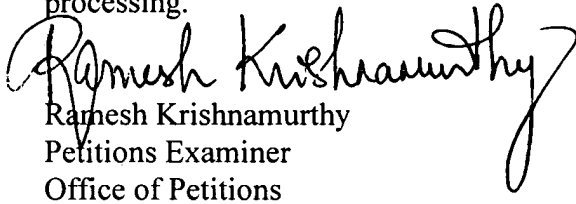
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and the previously filed replacement drawings (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of October 08, 2009 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.



The application is being referred to the Office of Patent Application Processing for further processing.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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DARA L. ONOFRIO, ESQ.  
C/O ONOFRIO LAW  
15 N. MILL STREET, SUITE 225  
NYACK NY 10960

**MAILED**

**FEB 22 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Ferrini, et al.	:	
Application No. 12/584,884	:	DECISION
Filed/Deposited: 14 September, 2009	:	
Attorney Docket No. ICH 317-US	:	

This is a decision on the papers filed on 26 October, 2010, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

**NOTE:**

This petition was received by the attorney in the Office of Petitions for determination at this writing.

Cycle time for most petitions in the Office of Petitions is 90 -120 days.

Petitioner may wish to schedule a Status Inquiry should Petitioner receive no reply to a petition in that time.

Petitioner has not followed the clear language of the guidance in the Commentary at MPEP §711.03(c)(I) as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

Application No. 12/584,884

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw  
the Holding of Abandonment

*Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.*

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Missing Parts (*inter alia*, oath, surcharge) mailed on 6 October, 2009, with reply due absent extension of time on or before 6 December, 2009.

Petitioner filed a reply on 17 December, 2009, but the credit card authorization (for surcharge and extension of time) was denied—Petitioner later acknowledged in the petition of 26 October, 2010, that the credit card data Petitioner supplied (*e.g.*, the expiration date) were in error as provided.

On 6 January, 2010, the Office mailed a Notice of Incomplete Reply (fees for which credit card authorization was denied).

The application went abandoned by operation of law after midnight 6 December, 2009.

The Office mailed the Notice of Abandonment on 28 September, 2010.

On 26 October, 2010, Petitioner filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred timely reply. However, Petitioner apparently failed to investigate the underlying problems (noted above) as to the denied credit card charges.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

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37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as “Express Mail.” A petition to withdraw the holding of abandonment relying upon a timely reply placed in “Express Mail” must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the “Express Mail” procedures, the paper must be entered in PALM with the “Express Mail” date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.<sup>1</sup>

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<sup>1</sup> See: MPEP §711.03(c) (I)(B).

Application No. 12/584,884

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: [http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_711\\_03\\_c.htm#sect711.03c](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c) )

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>2</sup>

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.<sup>3, 4</sup>

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c )(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

<sup>2</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>3</sup> See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

<sup>4</sup> The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>5</sup>

Allegations as to the Request to  
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: [http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_711\\_03\\_c.htm#sect711.03c](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c) )

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that “the entire delay in filing the required reply from the due date for

<sup>5</sup> In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/584,884

the reply until the filing of a grantable petition was unintentional.” (The statement is in the form available online.)


Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By facsimile:              **(571) 273-8300**  
                                    Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>6</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner’s action(s).

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>6</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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DARA L. ONOFRIO, ESQ.  
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15 N. MILL STREET, SUITE 225  
NYACK, NY 10960

**MAILED**

**APR 08 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Ferrini, et al. :  
Application No. 12/584,884 : **DECISION**  
Filed/Deposited: 14 September, 2009 :  
Attorney Docket No. ICH 317-US :

This is a decision on the papers filed on 31 March, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application; and filed expressly in successive alternatives for revival pursuant to 37 C.F.R. §1.137(a) of an application abandoned due to unavoidable delay, or then for revival pursuant to 37 C.F.R. §1.137(b) an application abandoned due to unintentional delay.

**NOTE:**

Petitioner expressly set forth a series of alternatives under which the Office should consider the petitions—i.e.:

1. as a request to withdraw the holding of abandonment;
2. should the first alternative fail,<sup>1</sup> then as a petition pursuant to 37 C.F.R. §1.137(a) to revive an application abandoned due to unavoidable delay; and
3. should the first and second alternatives fail,<sup>2</sup> then as a petition pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

It is noted, however, that Petitioner failed to pay or otherwise authorize the fee for a petition pursuant to 37 C.F.R. §1.137(a), though Petitioner avers some offset of fees where no offset of fees is in fact due. Nonetheless, Petitioner seeks refund of petition

<sup>1</sup> Petitioner misstated the term as “denied,” rather than the accurate and appropriate term “dismissed”—Petitioner, as one registered to practice before the Office is aware that the denial of a petition at the Office of Petitions constitutes final agency action.

<sup>2</sup> Again, Petitioner misstated the term as “denied,” rather than the accurate and appropriate term “dismissed”—Petitioner, as one registered to practice before the Office is aware that the denial of a petition at the Office of Petitions constitutes final agency action.



Application No. 12/584,884

fees. Because Petitioner required the Office to consider the matter in an express series of events, the fee for each petition must be charged or the petition cannot be considered. Because Petitioner did not submit or otherwise authorize the fee, the petition pursuant to 37 C.F.R. §1.137(a) cannot be considered.

As to the Request to Withdraw  
the Holding of Abandonment

*Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.*

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there.

As to Allegation of  
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

**Petitioner does not appear to have satisfied the fee requirements under the Rule; therefore the petition cannot be considered.**

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).*

As to the Allegations  
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**; the petition pursuant to 37 C.F.R. §1.137(a) is **DISMISSED**; the petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

### BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Missing Parts (*inter alia*, oath, surcharge) mailed on 6 October, 2009, with reply due absent extension of time on or before 6 December, 2009.

Petitioner filed a reply on 17 December, 2009, but the credit card authorization (for surcharge and extension of time) was denied—Petitioner later acknowledged in the petition of 26 October, 2010, that the credit card data Petitioner supplied (*e.g.*, the expiration date) were in error as provided.

On 6 January, 2010, the Office mailed a Notice of Incomplete Reply (fees for which credit card authorization was denied).

The application went abandoned by operation of law after midnight 6 December, 2009.

The Office mailed the Notice of Abandonment on 28 September, 2010.

On 26 October, 2010, Petitioner filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred timely reply. However, Petitioner apparently failed to investigate the underlying problems (noted above) as to the denied credit card charges. The petition was dismissed on 22 February, 2011, for failing to satisfy the requirements under the Rule.

On 31 March, 2011, Petitioner sought to re-advance her earlier request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and filed in the alternative a petition pursuant to:

- 37 C.F.R. §1.137(a) with an averment of unavoidable delay—but, as noted above, Petitioner neither paid no authorized payment of the fee for the petition; and
- 37 C.F.R. §1.137(b), with fee, pointed to the earlier filed reply and made an averment of unintentional delay.

*The regulations at 37 C.F.R. §1.137(b)(3) require a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional.”*

*Since the statement appearing in the petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement is being construed as the required statement. Petitioner **must** notify the Office if this is **not** a correct reading of the statement appearing in the petition.*

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely filing:

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37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the

correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.<sup>3</sup>

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*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).*

Thus, it is noted that the guidance in the Commentary at MPEP §711.03(c)(II) for the showing required pursuant to 37 C.F.R. §1.137(a) provides in pertinent part:

\*\*\*

**...Unavoidable Delay**

*As discussed above, "unavoidable" delay is the epitome of "unintentional" delay. Thus, an intentional delay precludes revival under 37 C.F.R. §137(a) ("unavoidable" delay) or 37 C.F.R. §1.137(b) ("unintentional" delay). See Maldague, 10 USPQ2d at 1478.*

*Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:*

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

*In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (D.D.C. 1963); aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the*

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<sup>3</sup> See: MPEP §711.03(c) (I)(B).

delay was "unavoidable." *Haines v. Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

*A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:*

*(A) the error was the cause of the delay at issue;*

*(B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and*

*(C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.*

*See In re Egbers*, 6 USPQ2d 1869, 1872 (Comm'r Pat. 1988), rev'd on other grounds sub nom., *Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg*, 10 USPQ2d 1787 (D.D.C. 1988); *In re Katrapat*, 6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988). For example, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The following do not constitute proper notification of a change in correspondence address:

*(A) the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made;*

*(B) the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or*

*(C) the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.*

*Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines*, 673 F. Supp. at 317, 5 USPQ2d at 1132; *Vincent v. Mossinghoff*, 230 USPQ 621, 624 (D.D.C. 1985); *Smith v. Diamond*, 209 USPQ 1091 (D.D.C. 1981); *Potter v. Dann*, 201 USPQ 574 (D.D.C. 1978); *Ex parte Murray*, 1891 Dec. Comm'r Pat. 130, 131

(1891). For example, as 37 C.F.R. 1.116 and 1.135(b) are manifest that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not “unavoidable” when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action.

Likewise, as a “reasonably prudent person” would file papers or fees in compliance with 37 C.F.R. §1.8 or §1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant’s failure to file papers or fees in compliance with 37 C.F.R. §1.8 and §1.10 does not constitute “unavoidable” delay. See *Krahn*, 15 USPQ2d at 1825. Finally, a delay caused by an applicant’s lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered “unavoidable” due to: (A) the applicant’s reliance upon oral advice from USPTO employees; or (B) the USPTO’s failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See *In re Sivertz*, 227 USPQ 255, 256 (Comm’r Pat. 1985).

35 U.S.C. §133 and §151 each require a showing that the “delay” was “unavoidable,” which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See *In re Application of Takao*, 17 USPQ2d 1155 (Comm’r Pat. 1990).

The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. *Id.* at 1158. Thus, an applicant seeking to revive an “unavoidably” abandoned application must cause a petition under 37 C.F.R. §1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

An applicant who fails to file a petition under 37 C.F.R. §1.137(a) “promptly” upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(a) was unavoidable. The removal of the language in 37 C.F.R. §1.137(a) requiring that any petition thereunder be “promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment” should **not** be viewed as: (A) permitting an applicant, upon becoming notified, or otherwise becoming aware, of the abandonment of the application, to delay the filing of a petition under 37 C.F.R. §1.137(a); or (B) changing (or modifying) the result in *In re Application of S*, 8 USPQ2d 1630 (Comm’r Pat. 1988), in which a petition under 37 C.F.R. §1.137(a) was denied due to the applicant’s deliberate deferral in filing a petition under 37 C.F.R. §1.137. An applicant who deliberately chooses to delay the filing of a petition under 37 C.F.R. §1.137 (as in *Application of S*, 8 USPQ2d at 1632) will not be able to show that “the entire delay in

filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(a)] was unavoidable” or even make an appropriate statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(b)] was unintentional.”

The dismissal or denial of a petition under 37 C.F.R. §1.137(a) does not preclude an applicant from obtaining relief pursuant to 37 C.F.R. 1. §137(b) on the basis of unintentional delay (unless the decision dismissing or denying the petition under 37 C.F.R. 1.137(a) indicates otherwise). In such an instance, a petition under 37 C.F.R. 1.137(b) may be filed accompanied by the fee set forth in 37 C.F.R. §1.17(m), the required reply, a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, and any terminal disclaimer required by 37 C.F.R. §1.137(c). Form PTO/SB/61 or PTO/SB/61PCT may be used to file a petition for revival of an unavoidably abandoned application.

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Petitioner has failed to satisfy the requirements under the Rule and discussed above.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>4</sup>

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

#### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the

<sup>4</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Application No. 12/584,884

regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.<sup>5,6</sup>

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>7</sup>

A Petitioner's attentions always are directed to the guidance in the Commentary at MPEP §711.03(c).

#### Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

<sup>5</sup> See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

<sup>6</sup> The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

<sup>7</sup> In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).



Application No. 12/584,884

A Petitioner's attentions always are directed to the guidance in the Commentary at MPEP §711.03(c).

As to Allegations of  
Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioner has failed to satisfy the requirements (fee) under the Rule.

As to Allegations of  
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION


Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**; the petition under 37 C.F.R. §1.137(a) is **dismissed**; the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Application No. 12/584,884

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>8</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>8</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**HOLLSTEIN KEATING CATTELL JOHNSON & GOLDSTEIN P.C.**  
**WILLOW RIDGE EXECUTIVE OFFICE PARK**  
**SUITE 301**  
**750 RT. 73S.**  
**MARLTON NJ 08053**

**MAILED**

**SEP 21 2010**

In re Application of  
Vosbikian et al.  
Application No. 12/584,972  
Filed: September 15, 2009  
Attorney Docket No. 2262.00010

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**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 1, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.


The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3644 for action on the merits commensurate with this decision.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090

**MAILED**  
**JUL 28 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Derk Pieter Brouwer  
Application No. 12/584,973  
Filed: September 15, 2009  
Attorney Docket No. DAVIDK 3.9-005  
CIP CON

ON PETITION

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission and loss of small entity status filed July 5, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28( c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc., 154 F.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission in the amount of \$3650, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

This matter is being referred to the Publishing Division to be processed into a patent.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/584,983	09/15/2009	Tatsuki Tanaka	4041J-001608/US	9166

7590 11/10/2010  
HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER
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DAGER, JONATHAN M

ART UNIT	PAPER NUMBER
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3663

MAIL DATE	DELIVERY MODE
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11/10/2010

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Sarmes*  
Patent Publication Branch  
Office of Data Management

Adjusted and noted for filing 11/10/2010  
Patent Publication Branch  
Office of Data Management  
-3663-20 27



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Continuum Law  
10085 Carroll Canyon Rd Suite 100  
San Diego, CA 92131-1100

**MAILED**

**DEC 30 2010**

**OFFICE OF PETITIONS**

In re Application of  
**Ronald P. STARR**  
Application No. 12/584,995  
Filed: September 15, 2009  
Attorney Docket No. **1990U01**

DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 6, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 7, 2009.

The petition is **DISMISSED**.

It appears the petitioner's signature was omitted from the petition filed August 9, 2010.

37 CFR 1.33 (b) states that:

Amendments and other papers filed in the application must be signed by:

- (1) An attorney or agent appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a Representative capacity under the provisions of § 1.34(a);

\* \* \* \* \*

37 CFR 1.34 states:

"When a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. In filing such a paper, the patent practitioner must set forth his or her registration number, his or her name and signature. Further proof of

authority to act in a representative capacity may be required."

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. Therefore, the statement of unintentional delay in an improperly filed petition cannot be accepted.

**Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is *not* a final agency action within the meaning of 5 U.S.C. § 704.**


Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



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CONTINUUM LAW .  
10085 CARROLL CANYON RD, SUITE 100  
SAN DIEGO, CA 92131-1100

**MAILED**  
AUG 01 2011  
OFFICE OF PETITIONS

In re Application of	:	
<b>Ronald P. STARR</b>	:	
Application No. 12/584,995	:	DECISION ON PETITION
Filed: September 15, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. <b>1990U01</b>	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 6, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of total additional fees of \$610, an oath/declaration and replacement drawings, (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received August 9, 2010.

Thurman K. Page  
Petitions Examiner  
Office of Petitions





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,055	09/01/2009	Hideki Yoshida	MJS-4813-53	7508
7590 06/21/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER KRAMER, JAMES A	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 06/21/2011	DELIVERY MODE PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi James  
Patent Publication Branch  
Office of Data Management

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **142793** Application Number (if known): **12/585,080** Filing date: **09/02/2009**

First Named Inventor: **Koji Aridome**

Title: DEGRADATION DETERMINATION METHOD FOR LITHIUM-ION BATTERY, CONTROL METHOD FOR LITHIUM-ION BATTERY, DEGRADATION DETERMINATION APPARATUS FOR LITHIUM-ION BATTERY, CONTROL APPARATUS FOR LITHIUM-ION BATTERY, AND

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

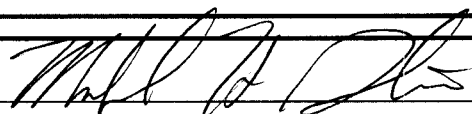
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date **September 23, 2011**

Name (Print/Typed) **Michael H. Durbin**

Registration Number **63,725**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Koji ARIDOME et al.

Group Art Unit: 2858

Application No.: 12/585,080

Examiner:

Filed: September 2, 2009

Docket No.: 142793

For: DEGRADATION DETERMINATION METHOD FOR LITHIUM-ION BATTERY,  
CONTROL METHOD FOR LITHIUM-ION BATTERY, DEGRADATION  
DETERMINATION APPARATUS FOR LITHIUM-ION BATTERY, CONTROL  
APPARATUS FOR LITHIUM-ION BATTERY, AND VEHICLE

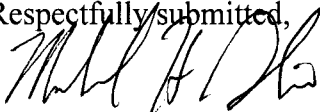
**STATEMENT OF MATERIALITY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully submits that the above-identified application warrants special status. Specifically, the claims are directed to a power system for an electrically powered vehicle, which allow for at least (1) the more efficient utilization and conservation of energy resources, and (2) the reduction of greenhouse gas emissions.

Accordingly, Applicant respectfully submits that this application be granted special status under the Green Technology Pilot Program.

Respectfully submitted,  
  
James A. Oliff  
Registration No. 27,075

Michael H. Durbin  
Registration No. 63,725

JAO:MHD/mhd  
Date: September 23, 2011

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p>
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,080	09/02/2009	Koji Aridome	142793	2248
25944	7590	10/27/2011		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER CHUNG, STEVE T	
			ART UNIT 2858	PAPER NUMBER
			NOTIFICATION DATE 10/27/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com



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OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA VA 22320-4850

In re Application of	:	
ARIDOME et al.	:	DECISION ON PETITION
Application No. 12/585080	:	TO MAKE SPECIAL UNDER
Filed: September 2, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 142793	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 23, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy resources or greenhouse gas emission reduction. The claims are generally directed to a battery controller for adjusting the electric current being fed to a vehicle. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy resources or greenhouse gas emission reduction. Any argument that the claimed invention can be used to provide more efficient utilization of energy resources or greenhouse gas emission reduction is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. It is noted that the statement of materiality says the invention is directed to an electrically powered vehicle, however there is no claimed electrically powered vehicle.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action in its regular turn.

/Colleen Dunn/

---

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800





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DTW Apr-12

JACOBSON HOLMAN PLLC  
400 SEVENTH STREET N.W.  
SUITE 600  
WASHINGTON DC 20004

**MAILED**  
**APR 13 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Schlingensiepen et al. : DECISION ON PETITION TO  
Application No. 12/585,086 : WITHDRAW HOLDING OF  
Filed: 09/02/2009 : ABANDONMENT  
Attorney Docket No. P69482US2 :

This is a decision on the petition filed on March 14, 2012, to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application became abandoned on November 10, 2011, for failure to timely respond to the non-final Office action mailed on August 9, 2011, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on March 13, 2012.

Petitioners assert that a reply was filed on November 9, 2011 by facsimile. In support, petitioners have provided a copy of the reply asserted to have been filed, including an Auto-Reply Facsimile Transmission receipt, showing that 12 pages were received at the USPTO on November 9, 2011.

37 CFR 1.8 states, in pertinent part:

(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a

set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6 (d); or

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

...

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned... the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

The petition is dismissed because petitioners have not provided persuasive evidence that the reply was timely transmitted by facsimile to the USPTO.

Specifically, petitioners have not shown that the correspondence was transmitted with a Certificate of Transmission in accordance with 37 CFR 1.8. A review of the papers supplied on March 14, 2012, reveals that no Certificate of Mailing or Transmission was included in the papers asserted to have been timely filed. The Auto-Reply Facsimile Transmission return receipt, without more, is not sufficient evidence of the timely filing of a response by facsimile.<sup>1</sup> Any renewed petition should be accompanied by a copy of the Certificate of Mailing.

If petitioner is unable to provide evidence of the timely submission of the amendment by facsimile, petitioner may wish to consider filing a petition to revive under 37 CFR 1.137(b).

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**<sup>2</sup>

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petition  
                                    Commissioner for Patents

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<sup>1</sup> Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to an Office action by facsimile (see 37 CFR 1.6 and 1.8). See 1270 O.G. 151 (May 27, 2003).

<sup>2</sup> 37 CFR 1.181(f).

Application No. 12/585,086

4

P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX: (571) 273-8300  
Attn: Office of Petitions

By hand: Customer Service Window  
Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12585179	
Filing Date	08-Sep-2009	
First Named Inventor	Michael Kivlighan	
Art Unit	3766	
Examiner Name	JON ERIC MORALES	
Attorney Docket Number	A-9458.CIP.RNFMP/cat	
Title	Electronic neural resonator	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Michael F. Kivilighan	
Address	412 Ohio Street	
City	Waynesboro	
State	VA	
Postal Code	22980	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Stewart L. Gitler/
-----------	---------------------

Name	Stewart L. Gitler
------	-------------------

Registration Number	31256
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : June 27,2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Michael Kivlighan

ATTORNEY/AGENT OF RECORD

Application No : 12585179

Filed: 08-Sep-2009

Attorney Docket No : A-9458.CIP.RNFMP/cat

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed June 27,2011

The request is **APPROVED**

The request was signed by Stewart L. Gitler (registration no. 31256 ) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name Michael F. Kivlighan

Name2

Address 1 412 Ohio Street

Address 2

City Waynesboro

State VA

Postal Code 22980

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,199	09/08/2009	Tetsu Mitsuo	141683	6546
25944	7590	11/16/2011		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER ROCCA, JOSEPH M	
			ART UNIT 3616	PAPER NUMBER
			NOTIFICATION DATE 11/16/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com





UNITED STATES PATENT AND TRADEMARK OFFICE

**NOV 15 2011**

OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA VA 22320-4850

Commissioner for Patents  
United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

In re application of  
Mitsuo et al  
Application No. 12/585,199  
Filed: September 08, 2009  
For: STEERING COLUMN MOUNTED  
KNEE AIRBAG DEVICE

: **DECISION ON REQUEST TO**  
: **PARTICIPATE IN PATENT**  
: **PROSECUTION HIGHWAY**  
: **PROGRAM AND PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 28, 2011, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO, application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A Notice of Allowance was mailed on September 12, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 11/15/11



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,208	09/08/2009	Makoto Shibata	142837	6787
7590 08/03/2011 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER KRAMER, DEVON C	
			ART UNIT 3746	PAPER NUMBER
			NOTIFICATION DATE 08/03/2011	DELIVERY MODE ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

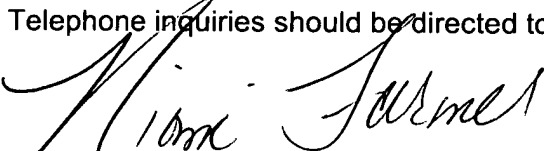
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,291	09/10/2009	Noritake Mitsutani	142542	6569
25944 7590 03/30/2011 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER ASSOUAD, PATRICK J	
			ART UNIT 2858	PAPER NUMBER
			NOTIFICATION DATE 03/30/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com



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Alexandria, VA 22313-1450  
www.uspto.gov

**OLIFF & BERRIDGE, PLC**  
**P.O. BOX 320850**  
**ALEXANDRIA VA 22320-4850**

**In re Application of**  
**Noritake MITSUTANI**  
**Application No.: 12/585,291**  
**Filed: 10 September 2009**  
**Attorney Docket No.: 142542**  
**For: ELECTRICALLY-DRIVEN**  
**VEHICLE AND CHARGE CONTROL**  
**SYSTEM**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 10 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

**MAILED**  
FEB 10 2012  
OFFICE OF PETITIONS

In re Application of  
Masaya ITO  
Application No. 12/585,409  
Filed: September 15, 2009  
Attorney Docket No. 01-1913  
For: Failure Determination Apparatus  
for Vehicle, Failure Determination...

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 16, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

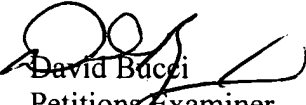
- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or to the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

  
David Bucchi  
Petitions Examiner  
Office of Petitions





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,411	09/11/2009	Barry Stephen Goldfarb	31247.027.00	4917

30827 7590 02/15/2011  
MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER
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CHIN, VIVIAN C

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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02/15/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**MAIL**

MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006

FEB 15 2011  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:  
GOLDFARB, BARRY STEPHEN  
Serial No.: 12/585,411  
Filed: September 11, 2009

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:  
:  
:  
:  
DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **PHASE LAYERING APPARATUS AND  
METHOD FOR A COMPLETE AUDIO SIGNAL**

This is a decision on the petition filed on December 08, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102. The petition is being treated as a petition under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed together with the application on or after August 25, 2006 and the application was filed with more than twenty total claims and more than three independent claims. See MPEP 708.02(a).

Applicant should note that a petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP 708.02(a).

For the above-stated reasons, the petition is denied. Therefore, the file will be taken up by the examiner in its regular turn.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.



---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA VA 22314-1176

**MAILED**

**FEB 27 2012**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Ou et al.	:	
Application No. 12/585,420	:	<b>DECISION ON PETITION</b>
Filed: September 15, 2009	:	<b>UNDER 37 CFR 1.55(c)</b>
Attorney Docket No. OUCH3008CIP/REF	:	

This is a decision on the petition under 37 CFR 1.55(c), filed January 31, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Taiwan Application No. TW095128980, filed August 7, 2006.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

- (5) a nonprovisional application in the benefit chain must have been filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Applicants appear to have submitted a copy of an ADS from parent Application No. 11/890,493. This is not the same as a supplemental ADS directed to Application No. 12/585,420. Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicants desire to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

Further correspondence with respect to this matter should be addressed as follows:


By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

By internet: EFS-Web  
[www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

THE NATH LAW GROUP  
112 SOUTH WEST STREET  
ALEXANDRIA, VA 22314

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Jeffrey Nice et al	:	DECISION GRANTING STATUS
Application No. 12/585,451	:	UNDER 37 CFR 1.47(a)
Filed: September 15, 2009	:	
Attorney Docket No. 30180u	:	

This is a decision on the petition filed, July 15, 2010, requesting reconsideration of a decision mailed July 14, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED**.


Petitioner has shown that the non-signing inventors Thomas Bland Jr. and Thomas I. Stewart Jr. have refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

  
David Bucci  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Thomas Bland Jr.  
c/o RG Research Inc.  
2216 Greenspring Dr.  
Lutherville-Timonium, MD 21093-3114

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

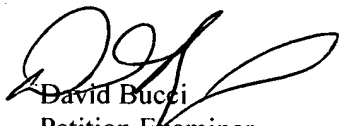
In re Application of  
Jeffrey R. Nice; Thomas Bland Jr.; Thomas I. Stewart Jr.  
Application No. 12/585,451  
Filed: September 15, 2009  
For: TRAY FLIP UNLOADER

Dear Mr. Bland:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington, DC area).

  
David Bucci  
Petition Examiner  
Office of Petitions

cc: The Nash Law Group  
112 South West Street  
Alexandria, VA 22314



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Thomas I. Stewart, Jr.  
c/o RG Research Inc.  
2216 Greenspring Dr.  
Lutherville-Timonium, MD 21093-3114

In re Application of  
Jeffrey R. Nice; Thomas Bland Jr.; Thomas I. Stewart Jr.  
Application No. 12/585,451  
Filed: September 15, 2009  
For: TRAY FLIP UNLOADER


**MAILED**  
**AUG 30 2010**  
**OFFICE OF PETITIONS**

Dear Mr. Stewart:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington, DC area).

  
David Bucci  
Petition Examiner  
Office of Petitions

cc: The Nash Law Group  
112 South West Street  
Alexandria, VA 22314





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Address: COMMISSIONER FOR PATENTS  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,459	09/15/2009	Katsuhiko Kouji	MJS-4790-55	6311

7590 04/27/2011  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER
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NGUYEN, HOA T

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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04/27/2011

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,543	09/17/2009	Ryotaro KOJIMA	142779	2983
25944	7590	11/29/2011		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER PHAN, THIEM D	
			ART UNIT 3729	PAPER NUMBER
			NOTIFICATION DATE 11/29/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA VA 22320-4850

*In re* Application of:  
KOJIMA, RYOTARO et al  
Serial No.: 12/585,543  
Filed: Sep. 17, 2009  
Attorney Docket No. : 142779  
Title: METHOD OF MANUFACTURING  
ROTOR FOR DYNAMOELECTRIC  
MACHINE

:  
:  
: DECISION ON A REQUEST TO  
: PARTICIPATE IN PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Nov. 7, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,646	09/21/2009	Michal Amit	47351	1641

7590 05/04/2011  
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON, VA 22215

EXAMINER
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CROUCH, DEBORAH

ART UNIT	PAPER NUMBER
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1632

MAIL DATE	DELIVERY MODE
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05/04/2011

PAPER

## ACKNOWLEDGEMENT OF REQUEST

*Notice of Allowance/Allowability Mailed*

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101  
Application Assistance Unit  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

May 3, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON VA 22215

In re Application of	:	
Amit, Michal, et al	:	<b>DECISION ON PETITION</b>
Application No. 12/585,646	:	
Filed: 09/21/2009	:	<b><i>ACCEPTANCE OF COLOR</i></b>
Attorney Docket No. 47351	:	<b><i>DRAWINGS</i></b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 02, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12585650	
Filing Date	21-Sep-2009	
First Named Inventor	Takefumi Horie	
Art Unit	2835	
Examiner Name	ANTHONY HAUGHTON	
Attorney Docket Number	07-50478	
Title	ELECTRONIC DEVICE AND FRAME	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☒ I certify, in accordance with 37 CFR 1.4(d)(4) that:  
The RCE request, submission, and fee have already been filed in the above-identified application on 2011.09.22
- ☐ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Raphael A. Valencia/
Name	Raphael A. Valencia
Registration Number	43216





## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : September 21, 2011

In re Application of :

Takefumi Horie

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12585650

Filed : 21-Sep-2009

Attorney Docket No : 07-50478

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 21, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2835 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,656	09/21/2009	Kazuhiro Nakamura	143037	3876
7590 07/07/2011 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER NANO, SARGON N	
			ART UNIT	PAPER NUMBER
			2457	
			NOTIFICATION DATE	DELIVERY MODE
			07/07/2011	ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,664	09/21/2009	Shigekazu Kataoka	142871	3874

7590 03/03/2011  
OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

EXAMINER
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LAM, CATHY N

ART UNIT	PAPER NUMBER
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2811

NOTIFICATION DATE	DELIVERY MODE
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03/03/2011

ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**EDWIN BURTON HATCH  
2006 RIDLEY TERRACE  
THE VILLAGES FL 32162**

**MAILED**

**NOV 21 2011**

In re Application of  
Edwin Burton HATCH  
Application No. 12/585,675  
Filed: September 21, 2009  
Attorney Docket No.

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 4, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-1700.

The application is being forwarded to Technology Center Art Unit 1736 for action on the merits commensurate with this decision.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : May 10,2011

In re Application of :

Tomohiro Takizawa

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12585703

Filed : 22-Sep-2009

Attorney Docket No : 07-50472

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 10,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2835 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12585703	
Filing Date	22-Sep-2009	
First Named Inventor	Tomohiro Takizawa	
Art Unit	2835	
Examiner Name	ANTHONY EDWARDS	
Attorney Docket Number	07-50472	
Title	ELECTRONIC APPARATUS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Scott E. Jones/
Name	Scott E. Jones
Registration Number	64392



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : August 16, 2011

In re Application of :

Tomohiro Takizawa

### DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12585703

Filed : 22-Sep-2009

Attorney Docket No : 07-50472

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 16, 2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2835 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12585703	
Filing Date	22-Sep-2009	
First Named Inventor	Tomohiro Takizawa	
Art Unit	2835	
Examiner Name	ANTHONY EDWARDS	
Attorney Docket Number	07-50472	
Title	ELECTRONIC APPARATUS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☒ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☒ The RCE request, submission, and fee have already been filed in the above-identified application on 2011.08.17
- ☐ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Scott E. Jones/
Name	Scott E. Jones
Registration Number	64392



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,741	09/23/2009	Yukiko Marui	PTGF-09067US	5878

7590 03/07/2011  
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC  
8321 OLD COURTHOUSE ROAD  
SUITE 200  
VIENNA, VA 22182-3817

EXAMINER

PAYNE, SHARON E

ART UNIT PAPER NUMBER

2875

MAIL DATE DELIVERY MODE

03/07/2011

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

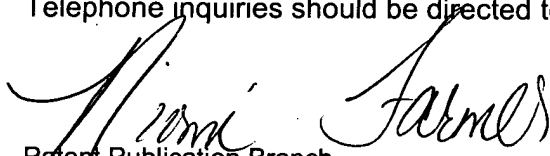
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Bruce I. ROSEN :  
Application No. 12/585,984 : **DECISION ON PETITION**  
Filed: September 30, 2009 :  
Attorney Docket No. LCM-608-628 :

This is a decision on the petition filed December 10, 2009, to accord the original filing date of September 30, 2009.

On October 21, 2009, the Office mailed a Notice of Omitted Items stating that a filing date has not been accorded to the above-identified application, indicating that the specification was not filed with the application.

A review of the Office records indicates that the specification was in fact filed with the application on September 30, 2009. Petitioner has provided the Office with a copy of the stamped USPTO post card receipt dated September 30, 2009.

Accordingly, this application is entitled to a filing date of September 30, 2009, and has been so accorded.

In view of the above, the petition is GRANTED.

This application file is being referred to the Office of Patent Application Processing.

Telephone inquiries relating to this decision should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,036	09/15/2009	Marvin Weinstein	S08-276/US	9788
30869	7590	11/22/2011		
LUMEN PATENT FIRM 350 Cambridge Avenue Suite 100 PALO ALTO, CA 94306			EXAMINER REPKO, JASON MICHAEL	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			11/22/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail@lumen.com



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Alexandria, VA 22313-1450  
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LUMEN PATENT FIRM  
350 Cambridge Avenue  
Suite 100  
PALO ALTO CA 94306

In re Application of  
Weinstein, Marvin., *et al.*  
Serial No.: 12/586036  
Filed: September 15, 2009

:  
:  
:  
: **DECISION ON PETITION**  
: **ACCEPTANCE OF COLOR DRAWINGS**

For:

**METHOD FOR DISCOVERING RELATIONSHIPS IN DATA BY DYNAMIC  
QUANTUM CLUSTERING**

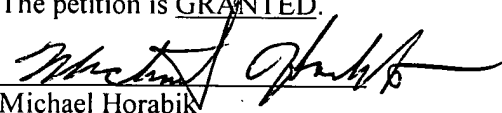
This is a decision on the petition under 37 CFR §1.17, filed September 15, 2009 requesting acceptance of color drawings.

The petition requests that the color drawings identified in FIGS.1-9C, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition is GRANTED.

  
Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,052	09/15/2009	Susanne M. Gollin	072396.0390	1289
21003 7590 03/21/2012 BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112-4498			EXAMINER CHONG, KIMBERLY	
			ART UNIT 1635	PAPER NUMBER
			NOTIFICATION DATE 03/21/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDOCKET@BAKERBOTTS.COM



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March 20, 2012

BAKER BOTTS L.L.P.  
30 ROCKEFELLER PLAZA  
44TH FLOOR  
NEW YORK NY 10112-4498

In re Application of  
**GOLLIN, SUSANNE M., ET AL**  
Application No: **12/586052**  
Filed: **09/15/2009**  
Attorney Docket No: **072396.0390**

:  
: **DECISION ON PETITION**  
:

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 15, 2009.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."*

The petition did not meet the following requirement(s). 1 ☐ 2 ☒ 3 ☒

*A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.*

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571- 576-1565.

/Bernadette Queen/  
Quality Control Specialist  
Office of Data Management  
Publications Branch





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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,052	09/15/2009	Susanne M. Gollin	072396.0390	1289
21003 7590 04/12/2012 BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112-4498			EXAMINER CHONG, KIMBERLY	
			ART UNIT 1635	PAPER NUMBER
			NOTIFICATION DATE 04/12/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDOCKET@BAKERBOTTS.COM



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April 11, 2012

BAKER BOTTS L.L.P.  
30 ROCKEFELLER PLAZA  
44TH FLOOR  
NEW YORK NY 10112-4498

Re Application of  
**GOLLIN, SUSANNE M., ET AL**

Application: **12/586052**

Filed: **09/15/2009**

Attorney Docket No: **072396.0390**

**: DECISION ON PETITION  
: ACCEPTANCE OF COLOR  
: DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 2, 2012.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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**CROWELL ING, LLP  
P. O. BOX 923  
SALEM OR 97308-0923**

**MAILED**

**MAR 11 2011**

**OFFICE OF PETITIONS**

In re Application of  
Michael Steven Hargett  
Application No. 12/586,080  
Filed: September 17, 2009  
Attorney Docket No. Hargett 10-81907

:  
:  
: **DECISION ON PETITION  
TO WITHDRAW FROM RECORD**  
:  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

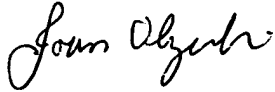
The request was signed by Nye Wang on behalf of all attorneys of record who are associated with Customer Number 45804.

All attorneys/agents associated with the Customer Number 45804 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Michael Steven Hargett  
5095 Cultus Ave SE  
Salem, OR 97306



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**JOHN P. MORAN**  
**9404 ULTRA DR.**  
**LAKELAND FL 33810**

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of :  
John Patrick Moran :  
Application No. 12/586,094 : **ON PETITION**  
Filed: September 17, 2009 :  
Title: Bird Deflector And Air Replacement :  
System Technical Field :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 3, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3644 for action on the merits commensurate with this decision.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



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In re Application of  
Manilal J. Savla

Application No. 12586102

Filed: September 17, 2009

Attorney Docket No.

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-SEP-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12586102	Confirmation Number	6857	Filing Date	2009-09-17
Attorney Docket Number (optional)		Art Unit		Examiner	
First Named Inventor	Manilal J. Savla				
Title of Invention	Method for Controlling Hurricanes				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Manilal	J.	Savla			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input checked="" type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/ManilalSavla/		Date (YYYY-MM-DD)	2011-09-14	
Name	Manilal J. Savla				

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





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**CROWELL ING, LLP  
P. O. BOX 923  
SALEM OR 97308-0923**

**MAILED**

**MAR 11 2011**

**OFFICE OF PETITIONS**

In re Application of  
Michael Steven Hargett  
Application No. 12/586,158  
Filed: October 22, 2009  
Attorney Docket No. Hargett 10-81906

:  
:  
: **DECISION ON PETITION**  
: **TO WITHDRAW FROM RECORD**  
:  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

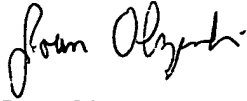
The request was signed by Nye Wang on behalf of all attorneys of record who are associated with Customer Number 45804.

All attorneys/agents associated with the Customer Number 45804 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Michael Steven Hargett  
5095 Cultus Ave SE  
Salem, OR 97306



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**Bambi Faivre Walters**  
**P.O.Box 5743**  
**Williamsburg VA 23188**

**MAILED**

**AUG 16 2010**

**OFFICE OF PETITIONS**

In re Application of  
**CALVIN M. DAVIS, JR.**  
Application No. 12/586,177  
Filed: September 18, 2009  
Attorney Docket No. 2009-CDPAT

**ON PETITION**

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2010, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification and replacement drawings, (2) the petition fee of \$810 (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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HEIDI FAIVRE  
PO BOX 5743  
WILLIAMSBURG, VA 23188

**MAILED**

**NOV 04 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Calvin M. Davis, Jr.	:	
Application No. 12/586,177	:	<b>DECISION ON PETITION</b>
Filed: September 18, 2009	:	<b>TO MAKE SPECIAL UNDER</b>
Attorney Docket No. 2009-CDPAT	:	<b>37 CFR 1.102(c)(1)</b>
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 21, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement signed by applicant's representative that he is in possession of proof of applicant's age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



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Patent Law of Virginia, PLLC  
P.O. Box 9319  
Richmond, VA 23227

**MAILED**

**APR 28 2011**

**OFFICE OF PETITIONS**

In re Application of  
Calvin M. Davis, Jr.  
Application No. 12/586,177  
Filed: September 18, 2009  
Attorney Docket No. NIB 1

DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD

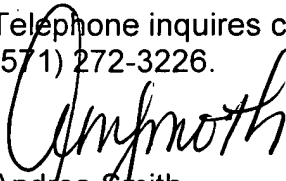
This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed March 23, 2011.

The request is **MOOT**.

A review of the file record indicates that any previous power of attorney was revoked by the sole inventor of the above application on March 23, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the new address of record until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Heidi Faivre  
P.O. Box 5743  
Williamsburg, VA 23188



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United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

MICHAEL J. COLITZ, JR.  
640 DOUGLAS AVENUE  
DUNEDIN, FL 34698

**MAILED**

FEB 22 2012

OFFICE OF PETITIONS

In re Application of  
Larry J. Chernoff  
Application No. 12/586,181  
Filed: September 18, 2009  
Attorney Docket No: WJ11/05

ON PETITION

This is a decision on the petition, filed January 20, 2012, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before October 21, 2011. A Notice of Abandonment was mailed on November 3, 2011. On January 20, 2012, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870, (2) the petition fee of \$930; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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NELLE PAEGEL, ESQ.  
14275 PIPELINE AVENUE  
SUITE 106  
CHINO, CA 91710

**MAILED**  
**DEC 22 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Minh Cong Dang  
Application No. 12/586,200  
Filed: September 18, 2009  
Attorney Docket No. APN1012

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 28, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Nelle Schruben Paegel the sole attorney of record. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed August 17, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: MINH CONG DANG  
1293 N. LIGHTHOUSE LANE  
ANAHEIM, CA 92801



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/586,200	09/18/2009	Minh Cong Dang	APN1012

NELLE PAEGEL ESQ.  
14275 PIPELINE AVE.  
Suite 106  
Chino, CA 91710

**CONFIRMATION NO. 2520**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 12/19/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/28/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101





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ROHM AND HAAS COMPANY  
PATENT DEPARTMENT  
100 INDEPENDENCE MALL WEST  
PHILADELPHIA, PA 19106-2399

**MAILED**

**SEP 08 2011**

**OFFICE OF PETITIONS**

In re Application of  
Barrett Richard Bobsein, et al.  
Application No. 12/586,265  
Filed: September 18, 2009  
Attorney Docket No. A02021

:  
:  
: DECISION ON PETITION  
:  
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 23, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 2, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 2, 2011. Accordingly, the date of abandonment of this application is August 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,282	09/17/2009	John Boland	760171.402	3497
500 7590 03/20/2012 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104			EXAMINER LUU, CHUONG A	
			ART UNIT 2892	PAPER NUMBER
			MAIL DATE 03/20/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

March 20, 2012

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 5400  
SEATTLE WA 98104

Re Application of  
**BOLAND, JOHN , ET AL**  
Application: **12/586282**  
Filed: **01/22/2010**  
Attorney Docket No: **760171.402**

**: DECISION ON PETITION**  
**: ACCEPTANCE OF COLOR**  
**: DRAWINGS**

This is a decision on the -Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 9, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,303	09/19/2009	Mingsian R. Bai	3748/0145PUS1	6136
60601 7590 03/30/2012 Muncy, Geissler, Olds & Lowe, PLLC 4000 Legato Road Suite 310 FAIRFAX, VA 22033				
			EXAMINER FAHNERT, FRIEDRICH	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 03/30/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

March 30, 2012

Muncy, Geissler, Olds & Lowe, PLLC  
4000 Legato Road  
Suite 310  
FAIRFAX VA 22033

In re Application of	:	
BAL, MINGSIAN R. et al	:	<b>DECISION ON PETITION</b>
Application No. 12/586,303	:	
Filed: 12/586,303	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 3748/0145PUSI	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 19, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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**ROBERT J. YARBROUGH, ATTORNEY AT LAW**  
**201 NORTH JACKSON STREET**  
**MEDIA PA 19063**

**MAILED**

**MAY 26 2011**

**OFFICE OF PETITIONS**

In re Application of

McNulty, James

Application No. 12/586,322

Filed: September 21, 2009

Attorney Docket No. McNulty001

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Robert Yarbrough, the sole attorney of record. Robert Yarbrough has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor James McNulty at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **JAMES MCNULTY**  
**1207 NORTH COMMERCE AVE.**  
**PAULSBORO NJ 08066**



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RICHARD L. MILLER  
12 PARKSIDE DRIVE  
DIX HILLS, NY 11746

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of  
William P. Roche  
Application No. 12/586,333  
Filed: September 21, 2009  
Attorney Docket No. ROCW21A

:  
:  
: DECISION ON PETITION  
:  
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 4, 2011, to revive the above-identified application.


This application became abandoned for failure to timely pay the issue fee on or before April 5, 2001, as required by the Notice of Allowance and Fee(s) Due, mailed January 5, 2011. Accordingly, the date of abandonment of this application is April 6, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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HUDAK, SHUNK & FARINE, CO., L.P.A.  
2020 FRONT STREET  
SUITE 307  
CUYAHOGA FALLS, OH 44221

**MAILED**

**FEB 03 2012**

**OFFICE OF PETITIONS**

In re Application of Lee et al.	:	
Application No. 12/586,338	:	
Filing Date: September 21, 2009	:	
Atty. Docket No. AIPT-OO (NCU-09001-US)	:	Decision on Request
Pub. No. US 2010/0317845 A1	:	
Pub. Date: December 16, 2010	:	

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed December 19, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

[Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The instant request for corrected publication was filed December 19, 2011, which is more than two months after the application published. Therefore, the request is untimely.

<sup>1</sup> See Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). See also Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).



The mistake identified in the instant request is not a material Office mistake as required under 37 C.F.R. § 1.221(b). Specifically, the mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B).

In view of the prior discussion, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements, the publication fee set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Christopher Bottorff  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ALLEN D. BRUFISKY, PA  
475 GALLEON DR.  
NAPLES FL 34102

**MAILED**  
**MAY 23 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Daniel A. Shaw :  
Application No. 12/586,441 : **DECISION ON PETITION**  
Filed: September 22, 2009 :  
Attorney Docket No. **SHAW-1202-U** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 18, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure s to timely pay the issue and publication fees on or before March 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 23, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 24, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

In regard to item (2), the Office was unable to charge the required petition fee of \$810 to the credit card number listed on the form PTO-2038.

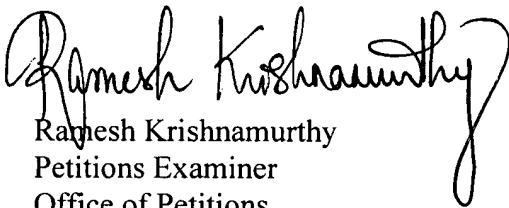
Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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**MAILED**

**JUL 18 2011**

**OFFICE OF PETITIONS**

**ALLEN D. BRUFISKY, PA  
475 GALLEON DR.  
NAPLES FL 34102**

In re Application of :  
Daniel A. Shaw :  
Application No. 12/586,441 : **DECISION ON PETITION**  
Filed: September 22, 2009 :  
Attorney Docket No. **SHAW-1202-U** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 06, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure s to timely pay the issue and publication fees on or before March 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 23, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 24, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

In regard to item (2), the Office was unable to process the required petition fee of \$810 by check. A fee of \$50 is now due for the insufficient payment by check along with the petition fee of \$810.

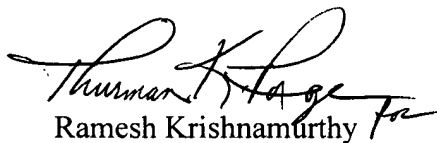
Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 22 2011

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MAILED

JUL 18 2011

OFFICE OF PETITIONS

ALLEN D. BRUFISKY, PA  
475 GALLEON DR.  
NAPLES FL 34102

In re Application of  
Daniel A. Shaw  
Application No. 12/586,441  
Filed: September 22, 2009  
Attorney Docket No. SHAW-1202-U

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 06, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue and publication fees on or before March 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 23, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 24, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

Application No. 12/586,441

Page 2

In regard to item (2), the Office was unable to process the required petition fee of \$810 by check. A fee of \$50 is now due for the insufficient payment by check along with the petition fee of \$810.

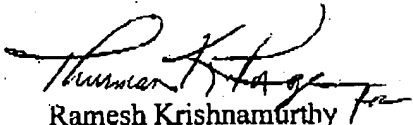
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions

Received letter dated 7-7-2011

+ credit card authorization  
for payment of petition fee  
in the amount of \$ 50.00







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Allen D. Brufsky, PA  
475 Galleon Dr.  
Naples FL 34102

**MAILED**  
**SEP 26 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Daniel A. Shaw :  
Application No. 12/586,441 : **DECISION ON PETITION**  
Filed: September 22, 2009 :  
Attorney Docket No. SHAW-1202-U :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 23, 2010. Accordingly, the date of abandonment of this application is March 24, 2011. The Notice of Abandonment was mailed April 7, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



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THOMAS J. MCWILLIAMS  
DRINKER BIDDLE & REATH LLP  
ONE LOGAN SQUARE  
18TH AND CHERRY STREETS  
PHILADELPHIA, PA 19103-6996

**MAILED**

OCT 25 2010

OFFICE OF PETITIONS

In re Application of :  
Steelberg et al. :  
Application No. 12/586,451 :  
Filed: September 22, 2009 :  
Attorney Docket No. 203234-0009-00-US :  
DECISION ON PETITION

This is a decision on the petition, filed July 16, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application is held abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 15, 2009, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed June 24, 2010.

Petitioner asserts that on January 12, 2010 a response to the Notice was filed, which included the following papers: an oath and declaration and fee worksheet for a one-month extension of time. To support this assertion the petitioner provided a copy of the Electronic Filing System Acknowledgement Receipt.

While the copy of the Electronic Filing System Acknowledgement Receipt indicates that an oath or declaration was submitted, a review of the file record indicates that on January 12, 2010, a blank PTO/SB/21 Transmittal Form was submitted along with a fee of \$65 for a one (1) month extension of time. In view of the above, the abandonment was proper due to incomplete response. The petition requesting withdrawal of the holding of abandonment cannot be granted.

**ALTERNATIVE VENUE**

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), \$810.00 for a small entity;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By Hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By Internet:                EFS-Web<sup>1</sup>

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions

Enclosure: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64 and Privacy Act Statement

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<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

THOMAS J. MCWILLIAMS  
DRINKER BIDDLE & REATH LLP  
ONE LOGAN SQUARE  
18TH AND CHERRY STREETS  
PHILADELPHIA, PA 19103-6996

**MAILED**  
**FEB 14 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Steelberg et al. :  
Application No. 12/586,451 : **ON PETITION**  
Filed: September 22, 2009 :  
Attorney Docket No. 203234-0009-00US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 16, 2010, to revive the above-identified application.


The petition is **GRANTED**.

The application became abandoned for failure to file a reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 15, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. In view of the one month extension of time filed January 12, 2010, the application became abandoned on January 16, 2010. A Notice of Abandonment was mailed June 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

THE LAW OFFICE OF JOHN A. GRIECCI  
703 PIER AVE., SUITE B #657  
HERMOSA BEACH CA 90254

**MAILED**

**JUL 01 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Brooks, et al.	:	
Application No. 12/586,544	:	DECISION ON PETITION
Filed: 29 September, 2009	:	
Attorney Docket No. AVI1036-01US	:	

This is a decision on the petition filed on 23 May, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R. §1.182.

**NOTE:**

Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct—as well as the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner also appears not to have submitted a corrected/replacement oath/declaration or application data sheet (ADS).

The petition under 37 C.F.R. §1.182 is **DISMISSED**.

A request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

**605.04(c) Inventor Changes Name [R-5]**

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and **\*\*>a statement< signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a \* copy of the court order.**

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. \_ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

**BACKGROUND**

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to an inventor's name—the name having been typed and signed in that form. (Petitioner states that it was "Alec Brooks," and the corrected form is to be "Alexander Nelson Brooks."

On 23 May, 2011, Petitioner indicated to the Office that the name of inventor/applicant should be corrected to overcome the incorrect form of the name of the inventor.

As noted above, it also does not appear that Petitioner submitted an executed oath/declaration in the "corrected" form or an updated application data sheet (ADS), the latter of which may not be required but should be included.

Moreover, Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/586,544

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By facsimile: **(571) 273-8300**  
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

THE LAW OFFICE OF JOHN A. GRIECCI  
703 PIER AVE., SUITE B #657  
HERMOSA BEACH CA 90254

**MAILED**

FEB 07 2012

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Brooks, et al.	:	
Application No. 12/586,544	:	<b>DECISION ON PETITION</b>
Filed: 29 September, 2009	:	
Attorney Docket No. AVI1036-01US	:	

This is a decision on the petition filed on 6 December, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The petition under 37 C.F.R §1.182 is **GRANTED**.

The guidance in the Commentary set forth at MPEP§605.04(c ) suggests to Petitioner the proper procedure herein:

**605.04(c)Inventor Changes Name [R-5]**

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and **\*\*>a statement< signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a \* copy of the court order.**

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

**If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.**

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must

be marked in red ink, in the left margin "See paper No. \_ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

### BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to an inventor's name—the name having been typed and signed in that form. (Petitioner states that it was "Alec Brooks," and the corrected form is to be "Alexander Nelson Brooks."

On 23 May, 2011, Petitioner indicated to the Office that the name of inventor/applicant should be corrected to overcome the incorrect form of the name of the inventor. Petitioner failed to submit with the petition fee an executed oath/declaration in the "corrected" form or an updated application data sheet (ADS) with the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

On 6 December, 2011, Petitioner re-advanced the petition, this time represented to include executed statements from the inventor as required under the Rule.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts


of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is granted.

The application is released to the Office of Patent Application Processing (OPAP) for processing as necessary to update Office records and mail a corrected filing receipt before being returned to the Technology Center/AU for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,578	09/24/2009	Maoquan Chu	740-001.008	1555
4955 7590 05/16/2011 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
			EXAMINER CASLER, BRIAN L	
			ART UNIT 3737	PAPER NUMBER
			MAIL DATE 05/16/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

In re Application of: CHU, MAOQUAN )  
Application No. 12/586,578 )  
Filed: September 24, 2009 )  
For: TECHNIQUE OF MAPPING ) **DECISION ON PETITION UNDER 37**  
SENTINEL LYMPH NODES USING ) **C.F.R. § 1.84(a)(2) TO ACCEPT**  
ORGANIC BLUE DYES ) **COLOR DRAWINGS**  
COMBINED WITH )  
FLUORESCENCE IMAGING )  
)

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed September 24, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified but noted as, figures 1 and 2 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and 3 (three) sets of color drawings of figures 1 and 2. The specification at pages 5-6, did contain the required notification described above.

The petition is **GRANTED**.

/BRIAN CASLER/  
Supervisory Patent Examiner, Art Unit 3737  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
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TERRY KENNETH ALLEN  
20930 E. HAPPY TRAILS LN  
OTIS ORCHARDS WA 99027

**MAILED**

**SEP 27 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Terry Kenneth Allen	:	
Application No. 12/586,621	:	<b>DECISION ON PETITION</b>
Filed: September 25, 2009	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed October 19, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 20, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred back to the Office of Patent Application Processing for pre-examination processing of the reply received August 12, 2010.

April M. Wise  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

Michael B. McMurry  
1210 Astor Street  
Chicago IL 60610

**MAILED**

**AUG 22 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Anderson et al. : DECISION ON PETITION  
Application No. 12/586,761 :  
Filed: September 28, 2009 :  
Atty Docket No. LF-21137 :

This is a decision on the PETITION FOR RECONSIDERATION OF  
ABANDONMENT OF APPLICATION UNDER C.F.R 1.181(a) filed July 15,  
2011.

The petition is **GRANTED**.

By Notice of Abandonment mailed May 16, 2011, applicant was  
advised that the above-identified application had become  
abandoned for failure to file a reply to the final Office action  
mailed July 8, 2010. The Office action set a three (3) month  
shortened statutory period for reply, with extensions of time  
obtainable under §1.136(a). A reply in the form of a terminal  
disclaimer was filed on December 8, 2010, but was determined not  
to be timely filed.

On instant petition, applicant requests withdrawal of the  
holding of abandonment. Applicant maintains that the Office  
overlooked an authorization to charge the extension of time fee.

Applicant's argument has been considered, and found persuasive  
that withdrawal of the holding of abandonment is warranted. A  
review of the terminal disclaimer filed December 8, 2010 reveals  
that it included an authorization to charge Deposit Account No.  
13-2495 for any fees incurred herein. There is no indication in  
the record that this authorization was ever processed.

Accordingly, the terminal disclaimer filed December 8, 2010 should have been accepted as timely filed.

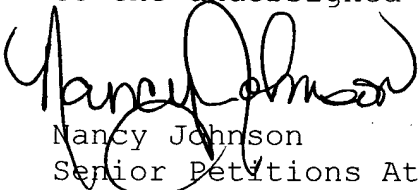
The required extension of time fee is now being charged to the Deposit Account at the rate in effect on December 8, 2010.

In view thereof, the holding of abandonment is hereby **WITHDRAWN**.

No fee is required on petition under § 1.181.

Technology Center AU 3764 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and to take further action in light of the timely filing on December 8, 2010 of the terminal disclaimer in response to the final Office action.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name and title.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,764	09/28/2009	Howard A. Fromson	FRO/225/US	6601
2543 7590 01/10/2011 ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			EXAMINER ROBINSON, CHANCEITY N	
			ART UNIT 1722	PAPER NUMBER
			MAIL DATE 01/10/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Mailed: 1/10/11

CHK  
Paper No.

*In re* Application of FROMSON et al.  
Serial No.: 12/586,764  
Filed: September 28, 2009  
For: Non-Chemical Development of  
Printing Plates

**DECISION ON PETITION  
UNDER 37 CFR 1.48(a)**

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed February 23, 2010 to correct inventorship under 37 CFR 1.48(a) by adding the names of William J. Rozell and William J. Ryan.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63 and (4) providing the processing fee set forth in 1.17(i).

However, applicant has not provided (5) the written consent of the assignee as required. The application was assigned to ANOCOIL CORPORATION on 2/23/10. Therefore, the written consent of the assignee is required.

The request is **DENIED**.

/Cynthia H. Kelly/

Cynthia H. Kelly  
Supervisory Patent Examiner  
Technology Center 1700

Alexander E. Andrews  
ALIX, YALE & RISTAS LLP  
750 Main Street, Suite 1400  
Hartford, CT 06103-2721



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,764	09/28/2009	Howard A. Fromson	FRO/225/US	6601
2543 7590 11/17/2011 ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			EXAMINER ROBINSON, CHANCEITY N	
			ART UNIT 1722	PAPER NUMBER
			MAIL DATE 11/17/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

11/17/2011

Mailed:

CHK  
Paper No.

*In re* Application of FROMSON  
Serial No.: 12/586,764  
Filed: September 28, 2009  
For: Non-Chemical Development of  
Printing Plates

**DECISION ON PETITION  
UNDER 37 CFR 1.48(a)**

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed November 8, 2011 to correct inventorship under 37 CFR 1.48(a) by adding the names of William J. Rozell and William J. Ryan.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63 and (4) providing the processing fee set forth in 1.17(i). Applicant has provided (5) the written consent of the assignee as required.

The request is **GRANTED.**

/Cynthia H. Kelly/

Cynthia H. Kelly  
Supervisory Patent Examiner  
Technology Center 1700



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DRINKER BIDDLE & REATH  
ATTN: INTELLECTUAL PROPERTY GROUP  
ONE LOGAN SQUARE  
SUITE 2000  
PHILADELPHIA, PA 19103-6996

**MAILED**

**MAR 28 2011**

**OFFICE OF PETITIONS**

In re Application of

Robb Fujioka

Application No. 12/586,777

Filed: September 28, 2009

Attorney Docket No. 203103-0004-00-US

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Edward F. Behm on behalf of all attorneys of record who are associated with customer No. 23973. All attorneys/agents associated with the Customer Number 23973 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a

chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: ROBB FUJIOKA  
1701 N. MEADOWS AVENUE  
MANHATTAN BEACH, CA 90266

cc: FUHU, INC.  
909 N. SEPULVEDA BOULDEVAR  
SUITE 540  
EL SEGUNDO, CA 90245



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/586,777	09/28/2009	Robb Fujioka	203103-0004-00-US

**CONFIRMATION NO. 1163**

**POWER OF ATTORNEY NOTICE**



23973  
DRINKER BIDDLE & REATH  
ATTN: INTELLECTUAL PROPERTY GROUP  
ONE LOGAN SQUARE, SUITE 2000  
PHILADELPHIA, PA 19103-6996

Date Mailed: 03/28/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/22/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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DENTSPLY INTERNATIONAL INC  
570 WEST COLLEGE AVENUE  
YORK, PA 17404

**MAILED**

AUG 31 2011

OFFICE OF PETITIONS

In re Application of  
Uwe Walz, et al.  
Application No. 12/586,789  
Filed: September 28, 2009  
Attorney Docket No.: KON-77A-CIP-CON

ON PETITION

This is a decision in response to the petition, filed August 2, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply to the non-final Office action of December 24, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 25, 2010. A Notice of Abandonment was mailed on August 2, 2010. On August 2, 2011, the present petition was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

It is noted that the petition did not include a response in the present application to continue prosecution; however, petitioner indicates the reply to the outstanding Office action is in the form of a "continuation application (KON-77A-CIP-CON2)". The petition is not accompanied by a statement of express abandonment in favor of the filing of the continuation application.

In order to facilitate action, the petition to revive should include reference to the filing of a continuing application *and* a letter of express abandonment, conditional upon the granting of



the petition and of a filing date to the continuing application. Nevertheless, in view of the statement that the reply is the filing of a continuation application, the statement will be construed as a request to expressly abandon this application in favor of the continuing application (Application No. 13/196,289 filed August 2, 2011). If this was not the intent of applicant, the Office should be promptly notified.

The offer to make the belated payment of the 3-month extension of time fee under 37 CFR 1.136(a) is unnecessary. Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." If the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. In no case, however, may an applicant respond later than the maximum time period set by statute. Since no extension of time fees are due on a petition for revival, the \$1,110 is being refunded to counsel's deposit account.

The petition, as construed, satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation application under 37 CFR 1.53(b); (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

This application is being revived solely for the purpose of continuity with the Application No. 13/196,289, filed August 2, 2011. As continuity has been established by revival of this application, this application is again abandonment in favor of continuing Application No. 13/196,289.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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Paper No.

Russell Cirincione  
143 Swaim Avenue  
Staten Island NY 10312

**MAILED**

**APR 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Russell Cirincione : DECISION ON PETITION  
Application No. 12/586,810 :  
Filed: September 29, 2009 :  
Attorney Docket No. 45-1802 :

This is a decision on the petition to withdraw holding of abandonment, or, in the alternative, to revive this application based on unintentional delay filed November 4, 2010. However, the \$810 fee for consideration of the petition to revive was not submitted. Accordingly, only the (no-fee) petition to withdraw holding of abandonment can be considered.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Corrected Application Papers mailed January 20, 2010. (The previous Notice mailed October 21, 2009 was withdrawn in favor of this Notice). The Notice set a period for reply of two (2) months from the mail date of the Notice. No reply having been received and no extension of time obtained, the above-identified application became abandoned on March 21, 2010. A courtesy Notice of Abandonment was mailed on October 4, 2010.

A review of the application file reveals no irregularities in the mailing of the Office action mailed January 20, 2010. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption.

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action

received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Pro se applicant Cirincione states that he did not receive Notice and states that he has complied with all previous correspondence as required in the past in a hasty manner. Further, he submits a log showing where the mailing would have been entered had it been received.

In view thereof, the holding of abandonment is hereby **WITHDRAWN**.

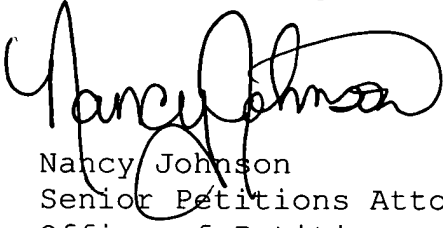
The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

The Office of Patent Application Processing has been advised of this decision. The application is, thereby, forwarded for the Office of Patent Application Processing **to withdraw the holding**

**of abandonment and to remail the Notice mailed January 20, 2010**  
**and to restart the period for reply.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with a large, looping initial "N" and a cursive "Johnson".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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**TREX ENTERPRISES CORP.**  
**10455 PACIFIC COURT**  
**SAN DIEGO, CA 92121**

**MAILED**

**JUN 16 2011**

**OFFICE OF PETITIONS**

In re Application of  
Mikhail Belenkii et al.  
Application No. 12/586,813  
Filed: September 28, 2009  
Attorney Docket No. 909

**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed November 06, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 07, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The proper reply to the Notice to File Missing Parts mailed November 06, 2009 was not submitted with petition.

Applicant must submit a copy of the Oath with the signatures for Donald Burns and Timothy Brinkley. Also, the Notice required a replacement drawing for figure 6.

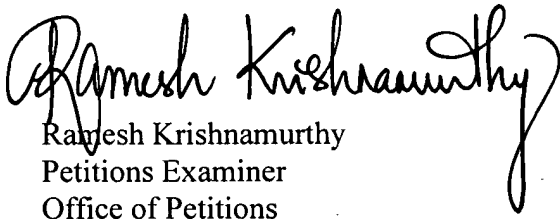
Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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**TREX ENTERPRISES CORP.**  
**10455 PACIFIC COURT**  
**SAN DIEGO CA 92121**

**MAILED**

**AUG 1 1 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Mikhail Belenkii et al. :  
Application No. 12/586,813 : **DECISION ON PETITION**  
Filed: September 28, 2009 :  
Attorney Docket No. 909 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 08, 2011, to revive the above-identified application.

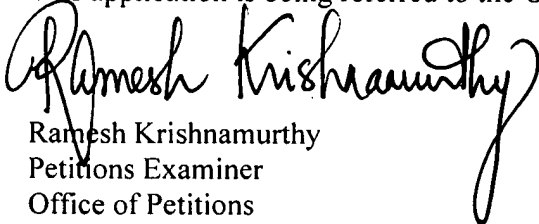
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed November 06, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 07, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the correct drawing, the required oath, substitute specification and the required fees, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of November 06, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Patent Application Processing.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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FAEGRE & BENSON LLP  
PATENT DOCKETING  
- INTELLECTUAL PROPERTY  
2200 WELLS FARGO CENTER  
90 SOUTH SEVENTH STREET  
MINNEAPOLIS MN 55402-3901

**MAILED**

**FEB 01 2011**

**OFFICE OF PETITIONS**

In re Application of  
Shapiro  
Application No. 12/586,818  
Filed/Deposited: 29 September, 2009  
Attorney Docket No. 79487-382235

**DECISION**

This is a decision on the petition filed on 21 September, 2010, requesting that the above-identified application be accorded a filing date of 28 September, 2009, rather than the presently accorded date of 29 September, 2009, pursuant to 37 C.F.R. §1.10.

**NOTES:**

- The Rules of Practice provide protections and benefits for applicants and practitioners.

However, those protections and benefits are unavailable when those rules are not complied with and/or followed.

- Petitioner improperly and improvidently refers to a conversation with the Office (*see*: Petition of 21 September, 2010).

All practice before the Office is in writing (*see*: 37 C.F.R. §1.2<sup>1</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP).

<sup>1</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) and/or inaction(s) before the Office.

Moreover, the Office of Petitions and its staff do not "recommend" any action to any Applicant/Petitioner—neither the Office nor its staff have authority to do so. Whatever action an Applicant/Petitioner may take—or not take—is exclusively the choice of the Applicant/Petitioner in the exercise of their practice before the Office.

The petition is **DISMISSED**.

On 11 February, 2010, and on 25 June, 2010, Petitioner filed petitions (dismissed respectively on 16 June, 2010, and 22 July, 2010) to obtain an earlier filing date than presently accorded—on the contention that the application was "deposited" with Express Mail Service on 28 November, 2009.

Petitioner sought to have enforced the provisions pursuant to 37 C.F.R. §1.10.

The problem with which Petitioner has confronted is that, at the time at the time of transmittal, Petitioner failed to comply with the regulations—the Rules of Practice—and now is unable to take benefit of their provisions.

Thus, Petitioner presented to the Office the following facts:

- the copy of the U.S. Postal Service (USPS) Express Mail Label Receipt No. EV572273651US bore no "date-in," and no USPS receipt date stamp;
- Petitioner did not deposit the parcel/package with a postal employee;
- Petitioner chose to leave the parcel/package at what Petitioner characterized as "a late service US Post Office";
- Petitioner characterized this action as a "deposit";
- Petitioner asserted that a paper tape receipt—which contained no data associating it with Express Mail Label Receipt No. EV572273651US, or anything else—was evidence of that deposit at 11:28:25 p.m. on 28 September, 2009;
- thus, Petitioner contended that the proper "date-in" and the correct date of mailing pursuant to 37 C.F.R. §1.10 was 28 September, 2009.

The Office observed that Petitioner failed to comply with the requirements of the regulations at 37 C.F.R. §1.10, and accorded the date of receipt, 29 September, 2009, as the filing date.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label. (See: MPEP §513.) The regulations at 37 C.F.R. §1.10(d), provide:

\*\*\*

(d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

\*\*\*

Petitioner failed to satisfy Items (1),<sup>2</sup> and (3),<sup>3</sup> above, and the petition was dismissed on 16 June, 2010, and again on 22 July, 2010.

<sup>2</sup> As to promptness: The application was deemed by the Office to have been deposited on 28 September, 2009. The Office mailed a filing receipt on 29 October, 2009. Petitioner waited until 11 February, 2010—four and one-half months after filing and nearly three and one-half months after the filing receipt was mailed—to seek a corrected filing receipt/file the instant petition. The express requirements of 37 C.F.R. §1.10(d)(1) contain the express proviso that the "petition is filed promptly ...." This Petitioner did not do.

<sup>3</sup> As to showing: The USPS Express Mail label is not executed by the USPS and the paper tape receipt presented does not bear the Express Mail label number (EV572273651US) to link the package bearing that label number to the transaction represented on the paper tape. Notably, in advance of submitting this petition, Petitioner could have requested and obtained from the USPS Track & Confirm website a detailed report as to the details of acceptance for shipment through delivery, but Petitioner appears not to have elected to do so. The Office has requested that information from the USPS, however, USPS responded that there was no record of the tracking number.

An express requirement of the Rule is that "petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the 'Express Mail Post Office to Addressee' service prior to the last scheduled

On 21 September, 2010, Petitioner re-advanced the petition—this time averring that:

- during Petitioner's attempt to file the application via the electronic filing system (EFS) "EFS suffered a malfunction" when Petitioner had waited until "approximately 9:30 p.m. MDT which is before the 10:00 p, MDT deadline (12:00a.m. EDT)";
- this unknown EFS "malfunction \*\*\* required all of the patent application and ancillary documents to be loaded a second time. This second upload was completed and the documents were electronically filed. Although the electronic submission process was started and then restarted" and resulted in an acknowledgement receipt time of "00:00:07 a.m., September 29, 2009" for an application designated as Application No. 12/568,669 (the '669 application);
- Petitioner further explained that it was at this time that Petitioner:

\*\*\*

... prepared a paper copy of the patent application for filing via the Express Mail procedure. Applicant's attorney and paralegal Constance Robnett went to the Denver U.S. Post Office facility known to have the latest evening hours, but when they arrived they found that no service window was open at this Denver facility. Applicant's attorney then used the Automated Postal Center service of the Denver facility to purchase the Express Mail and Return Receipt postage and deposited the patent application in an Express Mail deposit box. This deposit was made before 12:00 a.m. MDT. Attached as Exhibit 2 is the USPS sales receipt showing payment of the Express Mail and Return Receipt fees on 9/29/2009 at 11:28:25 p.m. MDT.

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pickup for that day." The petition acknowledges that there was no USPS personnel present at 11:28 p.m., and the petition fails to evidence that time was prior to "the last scheduled pickup for that day."

Petitioner is reminded that the regulations at 37 C.F.R. §1.10 caution:

\*\*\*

(b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the "Express Mail" mailing label number thereon. See paragraphs (c), (d) and (e) of this section. (Emphasis supplied.)

\*\*\*

Petitioner chose: not to present the package associated with Express Mail label number EV572273651US at a time and place when it might be accepted expressly by a USPS employee; and so to leave at a USPS location the package in question in a manner that would not permit Petitioner to obtain receipt evidencing the deposit of package associated with Express Mail label number EV572273651US; and to leave at a USPS location the package in question at a time that could not be confirmed as prior to "the last scheduled pickup for that day." Thus, the showing was insufficient under the Rule as set forth above.

Petitioner referred to "New Submissions" at page 2 of the 21 September, 2010, petition, but failed to comply with the showing as guided by the Office—such materials as came into being within one business day includes listing systems such as chronological diaries of mailings—and not Emails of days or weeks or even months later. (See: Petitioner's Appendices B1, B2 and B3.) Petitioner's Appendix A provides no evidence of linking the receipt to the mail label, and Petitioner's Appendix B4 is wholly out of context and an isolated notation with no indication of surrounding events, and so provides no evidentiary time frame.

*(If Petitioner submitted the '559 application with an EFS certificate of transmission, Petitioner may wish to seek to resolve the filing date question appropriately in that application.)*

When, as here, Petitioner contends that the Office has accorded a filing date improperly based upon "the 'date-in' on the 'Express Mail' mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS," Petitioner may seek to employ the provisions of 37 C.F.R. §1.10(d)(3), to wit .

(d)(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. (Emphasis supplied)

The information thus far provided by Petitioner as to the Automated Postal Center receipt remains at this writing ambiguous, and so as of this writing Petitioner has failed to carry the burden under the Rule.


Petitioner might seek to present an Express Mail Log or some such record prepared and brought "into being after deposit within one business day of the deposit of the correspondence \*\*\*."

The petition is **dismissed**.

The application is released to the Office of Patent Application Processing (OPAP) for any processing necessary consistent with this decision and with the filing date of 29 September, 2009.

Telephone inquiries related to the OPAP should be directed to their hotline at (571) 272-4100.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>4</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

<sup>4</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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[www.uspto.gov](http://www.uspto.gov)

May 11, 2011

REINHART BOERNER VAN DEUREN S.C.  
ATTN: LINDA KASULKE, DOCKET COORDINATOR  
1000 NORTH WATER STREET  
SUITE 2100  
MILWAUKEE WI 53202

In re Application of	:	
Marshall, James F. et al	:	<b>DECISION ON PETITION</b>
Application No. 12/586,835	:	
Filed: 09/29/2009	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 11013	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 29, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT          ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	
Application Number	12586873	
Filing Date	29-Sep-2009	
First Named Inventor	Matthew Wicks	
Attorney Docket Number	0100352/0570072	
Title	Object detection Device	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
Petition Fee  <input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  <input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).  <input type="radio"/> Applicant(s) status remains as SMALL ENTITY.  <input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.		
2. Reply and/or fee  <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on  <input checked="" type="radio"/> Amendment and response are attached  RCE request, submission, and fee.  <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on  <input type="radio"/> RCE Request, Submission, and Fee are attached		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Edwin R. Acheson, Jr./
Name	Edwin R. Acheson, Jr.
Registration Number	31808





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Commissioner for Patents  
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Decision Date March 30, 2012

In re Application of Matthew Wicks

Application No. 12586873

Filed: 29-Sep-2009

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. 0100352/05700

This is an electronic decision on the petition under 37 CFR 1.137(b), March 30, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions



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DRINKER BIDDLE & REATH  
ATTN: INTELLECTUAL PROPERTY GROUP  
ONE LOGAN SQUARE  
SUITE 2000  
PHILADELPHIA, PA 19103-6996

**MAILED**

**MAR 28 2011**

**OFFICE OF PETITIONS**

In re Application of

Robb Fujioka

Application No. 12/586,884

Filed: September 29, 2009

Attorney Docket No. 203103-0014-00-US

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Edward F. Behm on behalf of all attorneys of record who are associated with customer No. 23973. All attorneys/agents associated with the Customer Number 23973 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a

chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: ROBB FUJIOKA  
1701 N. MEADOWS AVENUE  
MANHATTAN BEACH, CA 90266

cc: FUHU, INC.  
909 N. SEPULVEDA BOULDEVARD  
SUITE 540  
EL SEGUNDO, CA 90245



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UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/586,884	09/29/2009	Robb Fujioka	203103-0014-00-US

**CONFIRMATION NO. 8941**

## POWER OF ATTORNEY NOTICE



Thomas J. McWilliams, Esquire  
Drinker Biddle & Reath LLP  
One Logan Square  
18th & Cherry Streets  
Philadelphia, PA 19103-6996

Date Mailed: 03/28/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwisc/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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DRINKER BIDDLE & REATH  
ATTN: INTELLECTUAL PROPERTY GROUP  
ONE LOGAN SQUARE  
SUITE 2000  
PHILADELPHIA, PA 19103-6996

**MAILED**  
**MAR 28 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Robb Fujioka	:	
Application No. 12/586,904	:	DECISION ON PETITION
Filed: September 29, 2009	:	TO WITHDRAW
Attorney Docket No. 203103-0014-01-US	:	FROM RECORD
(440451)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Edward F. Behm on behalf of all attorneys of record who are associated with customer No. 23973. All attorneys/agents associated with the Customer Number 23973 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a

chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: ROBB FUJIOKA  
1701 N. MEADOWS AVENUE  
MANHATTAN BEACH, CA 90266

cc: FUHU, INC.  
909 N. SEPULVEDA BOULDEVAR  
SUITE 540  
EL SEGUNDO, CA 90245



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/586,904	09/29/2009	Robb Fujioka	203103-0014-01-US [440451]

**CONFIRMATION NO. 6196**

## POWER OF ATTORNEY NOTICE



Thomas J. McWilliam, Esquire  
Drinker Biddle & Reath LLP  
One Logan Square  
18th and Cherry Streets  
Philadelphia, PA 19103-6996

Date Mailed: 03/28/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,941	09/30/2009	Tom J. Beck	Beck-09-01	8460
31083 7590 09/21/2011 THOMTE LAW OFFICE, L.L.C. 2120 S. 72ND STREET, SUITE 1111 OMAHA, NE 68124			EXAMINER MYERS, GLENN F	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 09/21/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 21 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

THOMTE LAW OFFICES, L.L.C.  
2120 S. 72<sup>ND</sup> STREET, SUITE 1111  
OMAHA, NE 68124

In re application of	:	
BECK, Tom J.	:	
Application No. 12/586,941	:	
Filed: September 30, 2009	:	
For: BULK SEED HANDLING AND	:	
DISPENSING SYSTEM	:	
	:	<b>DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102</b>

This is a decision on the petition filed on September 14, 2011 to make the above-identified application special for Infringement under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special for Infringement under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on September 14, 2011, the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

/Teri P. Luu/  
Teri P. Luu  
Quality Assurance Specialist  
Technology Center 3600

09/19/11



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Clarence H. Falstad  
Walters Gardens, Inc.  
1992 - 96th Avenue  
PO Box 137  
Zeeland MI 49464-0137

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of :  
Eric M. Sal :  
Application No. 12/586,959 : DECISION ON PETITION  
Filed: September 30, 2009 :  
Attorney Docket No. CORMR 1.1 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 22, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

This application became abandoned for failure to timely pay the issue fee on or before November 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 26, 2010. A Notice of Abandonment was mailed on December 9, 2010.

The petition can not be granted at this time because the petition was not properly signed. See 37 CFR 1.33(b) which states:

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition was signed by Clarence Falstad who appears to have filed the petition on behalf of the assignee. If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) must be submitted with any renewed petition. A copy of the form used to establish the right for a representative of the assignee to sign papers is attached for petitioner's convenience.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions

Attachment: Statement under 37 CFR 3.73(b)



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Clarence H. Falstad  
Walters Gardens, Inc.  
1992 - 96th Avenue  
PO Box 137  
Zeeland MI 49464-0137

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Eric M. Sal	:	
Application No. 12/586,959	:	DECISION ON PETITION
Filed: September 30, 2009	:	
Attorney Docket No. CORMR 1.1	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 2, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before November 26, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed August 26, 2010.

Petitioner states that a timely reply was received via facsimile on September 1, 2010 which included the following papers: Part B – Fee Transmittal Form and Credit Card Payment Form. Petitioner has submitted a copy of the previously faxed correspondence, which bears a certificate of facsimile dated September 1, 2010 and a copy of an Auto-Reply Facsimile Receipt from the Office, which would have rendered the reply timely if received.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Accordingly, this application is being referred to the Office of Data Management for processing.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



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HAMILTON BROOK SMITH & REYNOLDS PC  
530 VIRGINIA ROAD  
PO BOX 9133  
CONCORD MA 01742-9133

**MAILED**  
**MAR 21 2012**  
**OFFICE OF PETITIONS**

In re Application of	:	<b>DECISION</b>
Liberman, et al.	:	<b>ON PETITION</b>
Application No. 12/586,971	:	<b>ACCEPTANCE OF</b>
Filed: September 30, 2009	:	<b>COLOR DRAWINGS</b>
Attorney Docket Number: 0050.2132-000	:	<b>AND PHOTOGRAPHS</b>
(MIT 1360L)	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed September 30, 2009, for acceptance of color drawings and black and white photographs.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) to accept color drawings must be accompanied by the following:

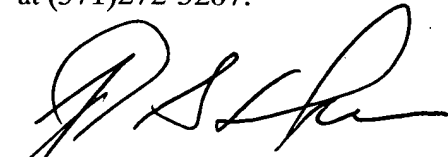
- (1) The fee set forth in 37 C.F.R. 1.17(h);
- (2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- (3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

Lastly, 37 CFR 1.84(b)(1) states that the Office will accept photographs when the photographs are the "only practical medium for illustrating the claimed invention."

Here, the petition was accompanied by the required fee and drawings. The amendment to the specification contains the appropriate language. Therefore, the petition is granted.

The application is being forwarded to Group Art Unit 2872 for examination.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Jose Dees', written in a cursive style.

Jose Dees  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,000	09/29/2009	David P. Chassin	23-83554-04	9169
32215 7590 07/22/2011 KLARQUIST SPARKMAN, LLP 121 SW SALMON STREET, SUITE 1600 ONE WORLD TRADE CENTER PORTLAND, OR 97204			EXAMINER MATTIA, SCOTT A	
			ART UNIT 3689	PAPER NUMBER
			NOTIFICATION DATE 07/22/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com  
docketing@klarquist.com  
erin.vaughn@klarquist.com





UNITED STATES PATENT AND TRADEMARK OFFICE

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**JUL 21 2011**

Patrick M. Bible  
Klarquist Sparkman, LLP  
One World Trade Center, Suite 1600  
Portland, Oregon 97204

In re application of  
David P. Chassin  
Application No. 12/587,000  
Filed: September 29, 2009

: **DECISION ON PETITION**  
: **TO ACCEPT COLOR DRAWINGS**  
: **UNDER 37 C.F.R. SECTION 1.84(a)(2)**

For: **DISTRIBUTING RESOURCES IN A MARKET-BASED RESOURCE ALLOCATION SYSTEM**

This is a decision on the petition filed on September 29, 2009 requesting acceptance of color drawings under 37 C.F.R. Section 1.84(a)(2).

The petition to accept color drawings is **DISMISSED**.

The petition requests that the United States Patent and Trademark Office accept color drawings in lieu of black and white drawings for several Figures, specifically, Figures 3, 4, 6-13, 16-21, 24-27, 29-31, 33-40, 46-54, 57, 59, 60, 62, 63, and 65. Applicant states that color drawings are necessary "because [sic] colored drawing represent the only way currently known that can accurately depict the graphs and images in the drawings" and that "reducing the [sic] colored drawings to black and white drawings would not preserve the features contained therein".

37 C.F.R Section 1.84, Standards for Drawings, sets forth the following:

§ 1.84 Standards for drawings.

(a) Drawings. There are two acceptable categories for presenting drawings in utility and design patent applications.

(1) Black ink. Black and white drawings are normally required. India ink, or its equivalent that secures solid black lines, must be used for drawings; or

(2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention

registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:  
The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

**NOTE:** According to Section H of the Legal Framework for EFS-Web (17DEC09), "only one set of such color drawings is necessary when filing via EFS-Web."

While applicant's petition was accompanied by (i) the fee set forth in Section 1.17(h), (ii) one set of color drawings (applicant is filing via EFS-WEB) and black and white photocopies of said drawings, and (iii) the specification contains the required language in the first paragraph of the brief description of the drawings, applicant has not established that all of the drawings that applicant is requesting to be color drawings meet the requirements for color drawings. 37 C.F.R. Section 1.84(a)(2) states that, *on rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented.* 37 C.F.R. Section 1.84(a)(2) further states that *a petition filed under this paragraph must explain why the color drawings are necessary.* Applicant's petition sets forth the following as the only explanation for requiring color drawings:

Colored drawings are necessary in this case because colored drawings represent the only way currently known that can accurately depict the graphs and images in the drawings. Reducing the colored drawings to black-and-white drawings could not be done in a way that would preserve the features contained therein. For example, several of the figures include complex multi-colored graphs or images that would lose certain features if reproduced in black and white.

Figures 6B, 7, 16, 17, 24, 25, 30, 31A-31B, 39-40, 46A-46B, 47A-47F, 49A-49B, 51, 52A-52C, 54A-54C, 57, 60, and 63 contain complex multi-colored graphs that would lose certain features if reproduced in black and white and thus color is necessary to preserve the features and disclose the subject matter for these figures. However, for Figures 3, 4, 6A, 13, 21, 26, 27, 29, 33, 36, 38, 46C, 46D, 48A-48B, 50A-50C, 53, 59 and 65, applicant has not provided sufficient explanation as to why reducing these drawings to black and white drawings would prevent them from accurately depicting the graphs and/or images and why these graphs and/or images would lose certain features if reproduced in black and white.

Moreover, Figures 8-12, 18-20, 34, 35, and 37 are not drawings but color photographs. 37 C.F.R. Section 1.84(b)(1) and (2) set forth the following regarding photographs:

(b) Photographs .—

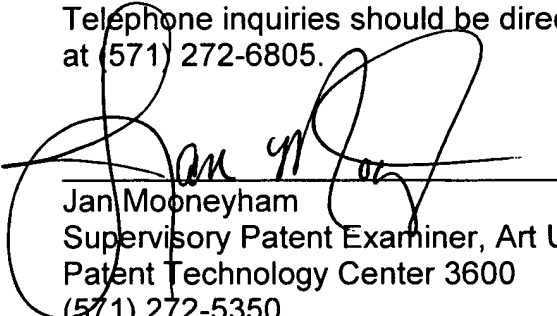
(1) Black and white . Photographs, including photocopies of photographs, are not ordinarily permitted in utility and design patent applications. The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention. For example, photographs or photomicrographs of: electrophoresis gels, blots (e.g., immunological, western, Southern, and northern), autoradiographs, cell cultures (stained and unstained), histological tissue cross sections (stained and unstained), animals, plants, in vivo imaging, thin layer chromatography plates, crystalline structures, and, in a design patent application, ornamental effects, are acceptable. If the subject matter of the application admits of illustration by a drawing, the examiner may require a drawing in place of the photograph. The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent.

(2) Color photographs . Color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied. See paragraphs (a)(2) and (b)(1) of this section.

The applicant's petition was submitted without providing an explanation for (1) why photographs are the only practicable medium for illustrating the claimed invention in Figures 8-12, 18-20, 34, 35, and 37 and (2) why black and white drawings would not suffice. Moreover, applicant's photographs are color photographs. Color photographs are accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. Applicant's petition does not establish that the conditions for accepting color drawing has been met, that photographs are the only practicable medium for illustrating the claimed invention, and that black and white drawings would not suffice as to Figures 8-12, 18-20, 34, 35, and 37.

Applicant's submission does not meet all the criteria set out above. Accordingly, the petition is **DIMISSED**.

Telephone inquiries should be directed to Jan Mooneyham, Supervisory Patent Examiner, at (571) 272-6805.



Jan Mooneyham  
Supervisory Patent Examiner, Art Unit 3689  
Patent Technology Center 3600  
(571) 272-5350

jm: 7/19/11



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,008	09/29/2009	David P. Chassin	23-83554-01	4966
32215 7590 05/02/2011 KLARQUIST SPARKMAN, LLP 121 SW SALMON STREET, SUITE 1600 ONE WORLD TRADE CENTER PORTLAND, OR 97204			EXAMINER	
			ART UNIT	PAPER NUMBER
			2121	
			NOTIFICATION DATE	DELIVERY MODE
			05/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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tanya.harding@klarquist.com  
docketing@klarquist.com  
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KLARQUIST SPARKMAN, LLP  
121 SW SALMON STREET, SUITE 1600  
ONE WORLD TRADE CENTER  
PORTLAND OR 97204

In re Application of:  
CHASSIN, David  
Application No. 12/587,008  
Filed: September 29, 2009  
For: **ELECTRIC POWER GRID CONTROL  
USING A MARKET-BASED RESOURCE  
ALLOCATION SYSTEM**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on September 29, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 3, 4, 6A-13, 16-21, 24-27, 29-31A, 33-40, 46A-54C, 57, 59, 60, 62, 63 and 65 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and was filed with three (3) sets of color drawing Figures 3, 4, 6A-13, 16-21, 24-27, 29-31A, 33-40, 46A-54C, 57, 59, 60, 62, 63 and 65. Page 14, lines 18-20, of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*/Eddie C. Lee*

Eddie C. Lee  
Quality Assurance Specialist, TC 2100



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,009	09/29/2009	David P. Chassin	23-83554-02	9171
32215 7590 01/12/2012 KLARQUIST SPARKMAN, LLP 121 SW SALMON STREET, SUITE 1600 ONE WORLD TRADE CENTER PORTLAND, OR 97204			EXAMINER NIQUETTE, ROBERT R	
			ART UNIT 3695	PAPER NUMBER
			NOTIFICATION DATE 01/12/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com  
docketing@klarquist.com  
erin.vaughn@klarquist.com



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One World Trade Center  
121 S. W. Salmon Street  
Portland, Oreg 97204

JAN 11 2012

In re Application of  
Chassin et al.  
Application No. 12/587,009  
Filed: September 29, 2009  
For: USING BI-DIRECTIONAL  
COMMUNICATIONS IN A MARKET  
BASED RESOURCE ALLOCATION  
SYSTEM

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DECISION ON PETITION  
UNDER 37 CFR 1.84  
TO ACCEPT COLOR  
DRAWINGS

This is a decision on the petition under 37 CFR § 1.84, filed September 29, 2009, to accept color drawings.

A petition under 37 CFR 1.84 will be granted only when the U.S Patent and Trademark Office has determined that a color drawing or color photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented (MPEP 608.02). A petition under 37 CFR 1.84(a)(2) requires:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

“The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.”

While the petition meets requirements i-iii set forth above, it has been determined that the colored drawings are not necessary and thus is not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. An alternative presentation of the data represented by colored lines would be the use of dashed or hatched lines which would serve to distinguish the sundry line data.

Accordingly, the petition filed under 37 CFR § 1.84(a)(2) is **DISMISSED**.

Any questions concerning this decision should be referred to Charles R. Kyle, Supervisory Patent Examiner, Art Unit 3695.

/Charles R. Kyle/  
Technology Center 3600  
(571) 272-6746





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John Alunit  
16830 Ventura Blvd. Suite 360  
Encino CA 91436

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Alkanhal	:	
Application No. 12/587,021	:	ON PETITION
Filed: October 1, 2009	:	
Attorney Docket No. CONTINUOUS	:	
AMBULATORY HAEMOFILTRATION	:	
DEVICE	:	

This is a decision on the renewed petition, filed July 21, 2010, under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition lacks items (1) and (2) set forth above.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified

of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

Petitioner has clarified the filing date of the foreign application.

However, the application is not subject to revival as it stands abandoned for new reasons. The application became abandoned December 21, 2009 for failure to timely submit a proper reply to the Notice to Filing Missing Parts of Nonprovisional Application (Notice) mailed October 20, 2009. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time has been submitted. This decision precedes Notice of Abandonment.

Petition has submitted a fee in the amount of \$1,410.00. However, the fee required under 37 CFR 1.17(m) is currently \$1,620.00.

Any renewed petition must include the fee due under 37 CFR 1.17(m) as well as a reply to the Notice mailed October 20, 2009.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   Customer Service Window  
                              Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By Fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



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John Alunit  
16830 Ventura Blvd. Suite 360  
Encino CA 91436

**MAILED**

**MAR 08 2011**

**OFFICE OF PETITIONS**

In re Application of  
Alkanhal  
Application No. 12/587,021  
Filed: October 1, 2009  
Attorney Docket No. CONTINUOUS  
AMBULATORY HAEMOFILTRATION  
DEVICE

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ON PETITION

This is a decision on the renewed petition, filed October 29, 2010, under 37 CFR 1.137(b) to revive the instant non-provisional application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The papers forwarded to the Office of Petitions dated October 29, 2010 consist of a one page facsimile cover sheet; a three page declaration; a copy of the decision mailed August 30, 2010; a fee transmittal form; and a power of attorney.

The petition referenced on the facsimile cover sheet was not received. Any request for reconsideration must include the required petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              Post Office Box 1450  
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                              401 Dulany Street  
                              Alexandria, VA 22314

By Fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



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**MAILED**

**JUN 06 2011**

**OFFICE OF PETITIONS**

John Alunit  
16830 Ventura Blvd. Suite 360  
Encino CA 91436

In re Application of  
Alkanhal  
Application No. 12/587,021  
Filed: October 1, 2009  
Attorney Docket No. CONTINUOUS  
AMBULATORY HAEMOFILTRATION  
DEVICE

ON PETITION

This is a decision on the renewed petition, filed April 26, 2011 under 37 CFR 1.137(b) to revive the instant non-provisional application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Submission of the petition fee is a prerequisite prior to treatment on the merits of any petition submitted pursuant to 37 CFR 1.137(b). The current petition to revive fee is \$1,620.00 for a large entity and \$810.00 for a small entity. See, 37 CFR 1.137(b)(2) and 1.17(m). Petitioner herein has submitted \$1,410.00, which is currently the fee for a petition pursuant to 37 CFR 1.78 for acceptance of an unintentionally delayed claim for priority, or for filling a request for the restoration of the right of priority.

Any request for reconsideration pursuant to 37 CFR 1.137(b) must be accompanied by the required petition fee.

If petitioner is seeking to correct a priority claim as well as revive the instant application, petitioner must remit the proper petition fee pursuant to 37 CFR 1.137(b) as well as submit a proper petition under to 37 CFR 1.78.

Further correspondence with respect to this matter should be addressed as follows:

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                      401 Dulany Street  
                      Alexandria, VA 22314

By Fax:            (571) 273-8300  
                      ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



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John Alumit  
16830 Ventura Blvd. Suite 360  
Encino CA 91436

**MAILED**  
**JUL 28 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Alkanhal :  
Application No. 12/587,021 : **ON PETITION**  
Filed: October 1, 2009 :  
Attorney Docket No. CONTINUOUS :  
AMBULATORY HAEMOFILTRATION :  
DEVICE :

This is a decision on the renewed petition, filed June 30, 2011 under 37 CFR 1.137(b) to revive the instant non-provisional application.

The petition is **GRANTED**.

The application became abandoned December 21, 2009 for failure to timely submit a proper reply to the Notice to File Missing Parts (Notice) mailed October 20, 2009. The Notice set a two month shortened statutory period of time for reply. This decision precedes Notice of Abandonment.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions





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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,037	10/01/2009	Wen-Che Wu	251812-3330	7569
24504 7590 03/26/2012 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 400 INTERSTATE NORTH PARKWAY SE SUITE 1500 ATLANTA, GA 30339			EXAMINER CHEN, SIBIN	
			ART UNIT 2816	PAPER NUMBER
			NOTIFICATION DATE 03/26/2012	DELIVERY MODE ELECTRONIC

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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kristen.layton@tkhr.com  
ozzie.liggins@tkhr.com



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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 20120131

THOMAS, KAYDEN, HORSTEMEYER &  
RISLEY, LLP  
400 Interstate North Parkway SE  
SUITE 1500  
Atlanta, GA 30339

:  
:  
: **DECISION DENYING**  
: **PETITION UNDER**  
: **37 CFR 1.181**  
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In re Application of:  
Wen-Che Wu  
Serial No.: 12/587,037  
Filed: October 1, 2009  
Attorney Docket No.: 251812-3330

This decision is in response to the petition filed January 29, 2012 in the above-identified application. Petitioner requests withdrawal of the finality of the Office action mailed September 30, 2011, under 37 CFR 1.181.

The petition is **DISMISSED** as moot.

A review of the record indicates that applicant filed a Request for Continued Examination on January 29, 2012 rendering the withdrawal of the finality of the office action mailed on September 30, 2011 moot.

Wynn Coggins, Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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Alexandria, VA 22313-1450  
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**MAILED**

**NOV 16 2011**

**OFFICE OF PETITIONS**

BROOKS KUSHMAN, PC  
1000 TOWN CENTER  
TWENTY-SECOND FLOOR  
SOUTHFIELD, MI 48075

In re Application of	:	
Angadbir singh Salwan	:	
Application No. 12/587,101	:	DECISION ON PETITION
Filed: October 2, 2009	:	TO WITHDRAW
Attorney Docket No. SALW0101 PUSP1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 25, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Brooks Kushman, PC has been revoked by the applicant of the patent application on August 2, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,171	10/02/2009	Daniel Webster	SLEEPINGWELL.UTIL.OCT2-09	5337
82687	7590	04/01/2011		
Green Mountain Innovations LLC			EXAMINER	
P.O.Box 248			BIANCO, PATRICIA	
Williston, VT 05495				
			ART UNIT	PAPER NUMBER
			3772	
			MAIL DATE	DELIVERY MODE
			04/01/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Green Mountain Innovations LLC  
P.O.Box 248  
Williston VT 05495

In re Application of	:	
WEBSTER, DANIEL et al	:	DECISION ON REQUEST
TO	:	
Application No. 12/587,171	:	PARTICIPATE IN PATENT
Filed: Oct. 2, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. SLEEPINGWELL.UTIL.OCT2-09	:	PROGRAM AND PETITION
Title: MANDIBULAR ADVANCEMENT DEVICE WITH	:	TO MAKE SPECIAL UNDER
POSITIVE POSITIONING HINGE	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 30, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Patricia Bianco, the SPE of Art Unit 3772 at 571-272-4977 for Class 128/848 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,174	10/02/2009	Donald E. Salz	FU042.71690	4340

EXAMINER	
GAFFIN, JEFFREY A	

ART UNIT	PAPER NUMBER
2117	

NOTIFICATION DATE	DELIVERY MODE
03/14/2011	ELECTRONIC

81360 7590 03/14/2011  
Woods Oviatt Gilman LLP  
700 Crossroads Bldg  
2 State St.  
Rochester, NY 14614

**MAILED**  
**MAR 11 2011**  
Technology Center 2100

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@woodsoviatt.com  
kmcguire@woodsoviatt.com  
ddanella@woodsoviatt.com



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WOODS OVIATT GILMAN LLP  
700 CROSSROADS BLDG  
2 STATE STREET  
ROCHESTER, NY 14614

In re Application of: SALZ, et al.	)	
Application No. 12/587,174	)	
Filed: October 02, 2009	)	<b>DECISION ON PETITION UNDER 37</b>
For: SYSTEM AND METHOD FOR THE	)	<b>C.F.R. § 1.84(a)(2) TO ACCEPT</b>
GRAPHICAL PRESENTATION OF	)	<b>COLOR DRAWINGS</b>
THE CONTENT OF RADIOLOGIC	)	
IMAGE STUDY REPORTS	)	

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed October 2, 2009, requesting acceptance of color drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application **publication** with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and three (3) sets of color drawings. The specification at page 5, para. [0017], contains substantially the entire notification described above. Note, in response to this decision, the notification should be amended to further include the highlighted term indicated above, since the application was in fact published on February 10, 2011.

The petition is **GRANTED**.

Brian L. Johnson, (571) 272-3595  
Quality Assurance Specialist, Technology Center 2100  
Computer Architecture and Software





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**LyondellBasell Industries**  
**Legal IP Department**  
**1221 McKinney Street**  
**One Houston Center**  
**Houston TX 77010**

**MAILED**

**AUG 11 2011**

**OFFICE OF PETITIONS**

In re Application of  
Sandor Nagy et al.  
Application No. 12/587,187  
Filed: October 2, 2009  
Attorney Docket No. 88-2219A

:  
:  
:  
:  
:

**ON PETITION**

This is a decision on the petition filed July 26, 2011 under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, January 14, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$810, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110 extension of time fee submitted with the petition on July 26, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

This application is being referred to Technology Center AU 1762 for appropriate action by the Examiner in the normal course of business on the reply received July 26, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,222	10/01/2009	Leroy E. Hood	0605-028-001O-DIV001	2956
44765 7590 03/02/2012 THE INVENTION SCIENCE FUND CLARENCE T. TEGREENE 11235 SE 6TH STREET SUITE 200 BELLEVUE, WA 98004			EXAMINER SCHMIDT, EMILY LOUISE	
			ART UNIT 3767	PAPER NUMBER
			MAIL DATE 03/02/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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THE INVENTION SCIENCE FUND  
CLARENCE T. TEGREENE  
11235 SE 6TH STREET  
SUITE 200  
BELLEVUE WA 98004

*In re* Application of:  
HOOD, LEROY E. et al  
Serial No.: 12/587,222  
Filed: Oct. 1, 2009  
Docket: 0605-028-001O-DIV001  
Title: REMOTE CONTROLLER FOR  
SUBSTANCE DELIVERY SYSTEM

DECISION ON PETITION

This is a decision on the petition filed on February 14, 2012 in which the petitioner requests reconsideration and withdrawal of the election of species requirement mailed on October 21, 2010 and made final on April 15, 2011. This petition is considered as pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **dismissed**.

The relevant part of the record shows that:

1. In the October 21, 2010 Office Action, an election of species requirement was promulgated. The examiner held there were four patentably distinct species, namely, species i, ii, iii, and iv. In addition the examiner held there were thirteen sub-species v, vi, vii, viii (further including sub-sub-species a and b), ix, x, xi, xii, xiii, xiv, xv, xvi and xvii. The applicant was required to elect one species and one sub-species from each of Sets 2, Set 3 and Set 4 with indication of all claims readable on the elected species and subspecies.
2. In response on November 19, 2010, an election was made with traverse and arguments by the applicant were submitted. The applicant elected species i, subspecies vii, sub-sub-species a, sub-species ix and sub-species xi. The applicant also indicated that all claims 43-62 are readable on the elected species and sub-species. The applicant traversed the election of species requirement based on lack of search burden and examiner's failure to comply with applicable rules, statutes, and guidelines.

3. On April 15, 2011, a Non-final Office action was issued and the restriction requirement was repeated and made final. Claims 43, 44, 50, 54-59 and 61 were examined on the merits. The examiner held claims 45-49, 51-53, 60 and 62 as drawn to non-elected species and subspecies and withdrew them from consideration.
4. On February 14, 2012, the applicant filed the current petition requesting review of the election of species requirement mailed on October 21, 2010.

#### Discussion and Analysis

In Section II (A), pages 5-14 of the petition, petitioner argues that there the examiner has not met the MPEP guidelines and legal standards when issuing the restriction requirement. In particular petitioner argues there are no applicable patent statutes, rules and MPEP provisions that support the election of species restriction issued by the examiner. A careful review of the restriction requirement of October 21, 2010 does show the restriction requirement complies with all applicable patent statutes, rules and MPEP provisions, namely, 35 USC 121, 35 USC 112, 37 CFR 1.141, 37 CFR 1.146 and Chapter 800 of the MPEP.

In Section II (B), pages 14-16 of the petition, petitioner argues that the examiner failed to clearly identify the claimed species. A review of the restriction requirement does not show any ambiguity. The examiner has clearly set forth the claimed features that were directed to various species and sub-species. It is noted that petitioner did not explain exactly which part of the restriction requirement of October 21, 2010 was not clear or incomprehensible that impaired the applicant's ability to file a response in the current application. Assuming *arguendo*, that the restriction requirement of October 21, 2010 was so unclear, the applicant should have asked for a new clear Office action in accordance with MPEP 710.06.

In Section II (C), pages 16-22 of the petition, petitioner argues that the examiner has no authority to require the applicant to identify the claims that are readable unto the elected species and sub-species. Petitioner requests this practiced be stopped. This line of arguments is not persuasive. As provided for in 35 USC 112, 2nd paragraph, it is the province of the applicant to set forth what the claimed invention is, and in particular, the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention (underlining added). Thus, the applicant must choose what claims are directed to the elected species and sub-species. The requirement to ask the applicant to identify the claims in the restriction requirement of October 21, 2010 does comply with the applicable patent statutes, rules and MPEP provisions.

In Section III, pages 22-28 of the petition, petitioner argues that the examiner's election of species Section requirement imposed in the October 21, 2010 Office action was improper and should be withdrawn. Petitioner also asserts that the examiner has not complied with patent statutes, rules and MPEP provisions.

Pursuant to MPEP 803, there are two criteria for a proper restriction requirement: (1) the inventions must be independent or distinct as claimed and (2) there would be a serious burden on the examiner if restriction is not required.

In the October 21, 2010 Office action, the examiner restricted the disclosed and claimed species on the basis of being patentably distinct. The examiner listed four species, namely, species i, ii, iii, and iv. In addition the examiner held there were thirteen sub-species v, vi, vii, viii (further includes sub-sub-species a and b), ix, x, xi, xii, xiii, xiv, xv, xvi and xvii. The applicant was required to elect one species and one sub-species from each of Sets 2, Set 3 and Set 4 with indication of all claims readable on the elected species and subspecies. A careful review of the record shows the examiner was correct in dividing up the species and sub-species as indicated in the Office action of October 21, 2010. In the election of species restriction requirement, the examiner has held that there are patentable differences between species as claimed as required by MPEP 806.04(h)<sup>1</sup>. The claims directed to the elected species are patentable over each other, and the election of species restriction requirement of October 21, 2010 is proper. In addition, the applicant has not admitted on the record that the disclosed and claimed species and sub-species are not patentably distinct or identified any evidence showing the species to be obvious variants (see page 4, last paragraph, of the Office action mailed October 21, 2010). Since the examiner has held the various disclosed and claimed species and sub-species are patentably distinct in accordance with MPEP 806.04<sup>2</sup>, this election of species restriction is also proper in absence any other evidence showing the species to be obvious variants. Most importantly, it should be noted that upon the allowance of generic claim(s), the applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

In response to the October 21, 2010 Office action, the applicant elected species i, subspecies vii, sub-sub-species a, sub-species ix and sub-species xi. The applicant also indicated that claims 43-62 are readable on the elected species and sub-species. In the April 15, 2011 Office action, the examiner withdrew consideration on the merits to claims 45-49, 51-53, 60 and 62 as drawn to non-elected species and subspecies. Claims 43, 44, 50, 54-59 and 61 were examined on the merits. In the petition, petitioner argues that the examiner failed to show any evidence that the elected claims do not contain mutually exclusive limitations from the non-elected claims. This line of arguments is not persuasive. In Paragraph I of the Office action of April 15, 2011, the examiner has clearly indicated that the various means identified in the species sets are mutually exclusive from one or the other in accordance with the supporting specification. In the petition, petitioner fails to point out any limitations from the non-elected claims which are not mutually exclusive from the elected claims in view of the supporting specification as originally filed.

Based on the originally filed supporting specifications, nowhere in the original specification mentions or suggests the limitation of non-elected claims 45-49, 51-53, 60 and 62 can be used together with the elected claims 43, 44, 50, 54-59 and 61. The limitations of non-elected claims 45-49, 51-53, 60 and 62 do contain mutually exclusive characteristics with respect to the elected species and sub-species as claimed in claims 43, 44, 50, 54-59 and 61. In fact, the disclosed and

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<sup>1</sup> MPEP 806.04(h)Species Must Be Patentably Distinct From Each Other[R-3]

**\*\***In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other **\*\***. Where generic claims are

<sup>2</sup> MPEP 806.04**\*\***>Genus and/or Species< Inventions [R-3]

**\*\***>Where an application includes claims directed to different embodiments or species that could fall within the scope of a generic claim, restriction between the species may be proper if the species are independent or distinct.

claimed species do contain different and mutually exclusive steps and functions as supported by the original filed specification and drawings. MPEP 806.04(f)<sup>3</sup> states that a restriction requirement for mutually exclusive species may be issued. The election of species requirement of October 21, 2010 does comply with MPEP § 806.04(f). Therefore examiner was correct in withdrawing claims 45-49, 51-53, 60 and 62 as being drawn to non-elected species. It is noted that petitioner did not explain why claims 45-49, 51-53, 60 and 62 directed to non-elected species and sub-species do not contain any mutually exclusive limitations in accordance with the supporting specification as filed on October 1, 2009.

Furthermore, the examiner must establish that there is a serious burden on the examiner if restriction is not required, pursuant to MPEP 808.02. In particular, MPEP 808.02(C)<sup>4</sup> states that a serious burden exists where it is necessary for the examiner to search different fields for the restricted species. In the present case, in addition to different classes and subclasses searches, e.g. Classes 600, 604, the species i requires search terms of heat, warm with/same temperature degree. Species ii requires search terms of cool, cold and with/same temperature degree. Species iii requires search terms of conformation with/same molecular with structure and with/same change rearrange, allosteric. Lastly, Species iv requires search terms of volume with/same reservoir. All disclosed and claimed species do require searching Class 604/890+ and Class 128. Each species does require a different field of search in different classes/subclasses or electronic resources and/or using different search queries. For example, for the non-elected claims, additional searches in Classes 342, 392, 606, 623 and 607 are also required. It should be noted that the application of prior art references to one species would not be applicable to another species. In order to perform a quality search and claim examination, the election of species requirement is justified and proper in accordance with MPEP § 808.02 and § 803. It is additionally pointed out that, contrary to what petitioner argues, the examination burden is not limited exclusively to a prior art search but also includes that effort required to apply the art by making and discussing all appropriate grounds of rejection. Multiple inventions or species, such as those in the present application, normally require additional reference material and further discussion for each additional species examined. Concurrent examination of multiple species would thus typically involve a significant burden even if all searches were coextensive. In view of the various disclosed distinct species and sub-species presented, it is determined that there is an examination and search burden for these non-elected patentably distinct species and sub-species. In this case, the election of species restriction requirement was proper and prudent in order to conduct a more efficient and quality examination of the elected species and sub-species.

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<sup>3</sup> MPEP 806.04(f)\*\*>Restriction Between< Mutually Exclusive \*>Species< [R-3]

>Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive.

<sup>4</sup> MPEP 808.02 Establishing Burden [R-5] (C) A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.


In Section IV, page 28 of the petition, petitioner argues that the applicant has paid for the patent application filing fee and other associated fees and should receive an examination of all claims. However, in this case, the election of species restriction requirement of October 21, 2010 is found proper. There is no irregularity found. The examiner has fully examined all claims directed to the elected species and sub-species.

#### Conclusion

For the reasons outlined above, the election of species restriction requirement imposed in the October 21, 2010 Office action and made final in the April 15, 2011 Office action is in accordance with proper Office procedure. Accordingly, the election of species restriction requirement of October 21, 2010 is proper and maintained. The requested relief to withdraw the election of species restriction requirement will not be granted.

The application is being forwarded to the examiner via the SPE of Art Unit 3767 awaiting the applicant's appeal brief to the outstanding final Office action mailed on October 20, 2011. The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. No extension of time under 37 CFR 1.136(a) is permitted. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is DISMISSED.

  
\_\_\_\_\_  
Donald T. Hajec, Director  
Technology Center 3700





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**LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090**

**MAILED**

**AUG 09 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Mangum et al. :  
Application No. 12/587,228 : **DECISION ON PETITION**  
Filed: October 2, 2009 :  
Attorney Docket No. VEECO 3.0-112 :

This is a decision on the petition under 37 CFR 1.182, filed April 16, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Joshua Mangum
2. Eric A. Armour
3. William E. Quinn

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

Petitioner should note that the petition fee under 37 CFR 1.182 is currently \$400; therefore, the fee of \$130 submitted on April 16, 2010 is deficient by \$270. The deficiency will be charged to petitioner's deposit account as authorized.

Telephone inquiries regarding this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 2812 for further examination on the merits.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions

**ATTACHMENT: Corrected Filing Receipt**



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/587,228	10/02/2009	2812	1844	VEECO 3.0-112	32	3

**CONFIRMATION NO. 4546**

## CORRECTED FILING RECEIPT



OC000000042842124

530  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

Date Mailed: 07/30/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

Joshua Mangum, Basking Ridge, NJ;  
Eric A. Armour, Pennington, NJ;  
William E. Quinn, Whitehouse Station, NJ;

### Assignment For Published Patent Application

Veeco Instruments Inc., Plainview, NY

**Power of Attorney:** The patent practitioners associated with Customer Number 00530

### Domestic Priority data as claimed by applicant

This appln claims benefit of 61/195,093 10/03/2008

### Foreign Applications

**If Required, Foreign Filing License Granted:** 10/21/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/587,228**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Chemical vapor deposition with energy input

**Preliminary Class**

438

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,231	10/02/2009	Jose Ramon Santana		4718
91334	7590	12/09/2010		
Jose Ramon Santana 1201 Riberry Lane Garland, TX 75043			EXAMINER CUEVAS, PEDRO J	
			ART UNIT 2839	PAPER NUMBER
			MAIL DATE 12/09/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Jose Ramon Santana  
1201 Riberry Lane  
Garland TX 75043

In re Application of:

SANTANA, Jose Ramon

Serial No.: 12/587,231

Filed: October 2, 2009

Title: CONTROLLED MOMENTUM HYDRO-  
ELECTRIC SYSTEM

:  
:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the petition filed on October 2, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application, the petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web. The application was filed in paper on October 2, 2009 as evidenced by the Utility Patent Application Transmittal

and its Certificate of Mailing. The required fees were not electronically filed on October 2, 2009, as evidenced by the payment by check. Further, no statement was made asserting that EFS and EFS-web were not available during the normal business hours.

In addition, the application was not complete under 37 CFR § 1.51 and in condition for examination at the time of filing. The mailing of a Notice to File Missing Parts or a Notice to File Corrected Application Papers is evidence that the application was not complete and in condition for examination at the time of filing. In this case, the compact disc (CD) submitted was not in compliance with 37 CFR 1.52(e) as required in the Notice to File Missing Parts of Nonprovisional Application mailed on March 10, 2010. Further, the application also contains multiple dependent claims and more than twenty claims. A total of at least 23 claims were submitted.

Furthermore, the petition was not complete. The petition did not include any of the conditions F-I as set forth in the Manual of Patent Examining Procedure (MPEP) 708.02(a).

#### REQUIREMENTS FOR PETITIONS TO MAKE SPECIAL UNDER ACCELERATED EXAMINATION

A new application may be granted accelerated examination status under the following conditions:

- (A) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, the development or conservation of energy resources, or countering terrorism. See 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.
- (B) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).
- (C) The application, petition, and required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-Web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. See subsection VIII.F. below for more information.
- (D) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. See subsection VIII.C. below for more information.
- (E) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any

dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

(F) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(G) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(H) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

(1) This preexamination search must involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement.

(2) This preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(3) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (see item I) will be treated as not fully responsive and will not be entered. See subsection IV below for more information.

(4) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements for a preexamination search.

(5) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18.

(I) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.



- (1) An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.
- (2) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.
- (3) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).
- (4) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).
- (5) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify:
  - (i) each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6; and
  - (ii) the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.
- (6) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c).

#### Discussion

The petition appears on its face to be filed without recognition of the August 25, 2006 policy change to the petition to make special program. Note that a statement that the application is directed to development or conservation of energy resources, under the new policy, is only sufficient for waiver of the required \$130 petition fee. Petitioner's provided statement is sufficient for waiver of said fee. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at [www.USPTO.gov](http://www.USPTO.gov) under the accelerated examination link.

Petitioner may wish to consider filing a petition to make special based on applicant's age. See MPEP 708.02.

#### IV. APPLICANT'S AGE

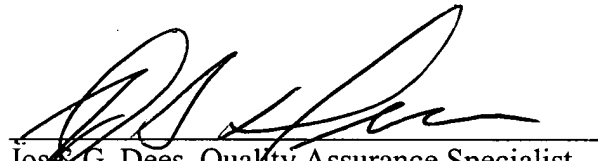
An application may be made special upon filing a petition including any evidence showing

that the applicant is 65 years of age, or more, such as \*\* applicant's statement >or a statement from a registered practitioner that he or she has evidence that the applicant is 65 years of age or older<. No fee is required with such a petition. See 37 CFR 1.102(c).

Personal/medical information submitted as evidence to support the petition will be available to the public if the application file and contents are available to the public pursuant to 37 CFR 1.11 or 1.14. If applicant does not wish to have this information become part of the application file record, the information must be submitted pursuant to MPEP § 724.02

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components

(2) Activities will be initiated before dusk;

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present;

(4) If activities cease for longer than 30 minutes and pinnipeds are in the area, start-up of activities will include a gradual increase in noise levels;

(5) A NMFS-approved marine mammal observer will visually monitor the pinnipeds on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of Boeing's activities (see Monitoring); and

(6) To the extent possible, the *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks. The vessel will reduce speed 1.5 to 2 knots (2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

#### Monitoring

As part of its 2002 application, Boeing provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities;

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less); and

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Monitoring results from previous years of these activities have been reviewed and incorporated into the analysis of potential effects in this document, as well as the take estimates.

#### Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90

days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any marine mammal is injured or killed as a result of these activities, Boeing or its designee shall report the incident to NMFS immediately.

#### Endangered Species Act

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001, which concluded that the proposed activities were not likely to jeopardize the continued existence of the southern sea otter. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

#### National Environmental Policy Act

In 2001, the USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact (FONSI) on the issuance of an IHA for Boeing's harbor activities in accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). The proposed activity is within the scope of NMFS'2005 EA and FONSI.

#### Conclusions

NMFS has issued an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1-year period, contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has determined that the impact of harbor activities related to the Delta IV/EELV at VAFB (transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat

mitigation) will result in the Level B Harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals. The effects of Boeing's harbor activities are expected to be in the form of short-term and localized behavioral changes and no take by injury or death is anticipated or authorized. NMFS has further determined that these takes will have a negligible impact on the affected marine mammal species and stocks and will not have an unmitigable adverse impact on the availability of such marine mammal species and stocks for subsistence uses.

#### Authorization

NMFS has issued an IHA to take marine mammals, by Level B harassment, incidental to conducting harbor activities at VAFB to Boeing for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: June 19, 2006.

James H. Lecky,  
Director, Office of Protected Resources,  
National Marine Fisheries Service.  
[FR Doc. E6–10044 Filed 6–23–06; 8:45 am]  
BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No.: PTO–P–2006–0014]

### Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) has established procedures under which the examination of a patent application may be accelerated. Under one of these procedures, the USPTO will advance an application out of turn for examination if the applicant files a grantable petition to make special under the accelerated examination program. The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the recently announced Patent Prosecution Highway (PPH) pilot program between the USPTO and the Japan Patent Office.

**DATES:** *Effective Date:* The change in practice in this notice applies to

petitions to make special filed on or after August 25, 2006.

**FOR FURTHER INFORMATION CONTACT:** Pinchus Laufer, Detailee, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272-7726, or by facsimile at (571) 273-7726. Comments concerning petition to make special practice may be sent by electronic mail message over the Internet addressed to [MPEPFeedback@uspto.gov](mailto:MPEPFeedback@uspto.gov), or submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Any inquiries concerning electronic filing of the application should be directed to the Electronic Business Center (EBC) at (866) 217-9197. Any inquiries concerning a specific petition to make special should be directed to the appropriate Technology Center Special Program Examiner.

**SUPPLEMENTARY INFORMATION:** New patent applications are normally taken up for examination in the order of their United States filing date. The USPTO has a procedure for requesting accelerated examination under which an application will be advanced out of turn for examination if the applicant files a petition to make special with the appropriate showing. See 37 CFR 1.102 and *Manual of Patent Examining Procedure* § 708.02 (VIII) (8th ed. 2001) (Rev. 3, August 2005) (MPEP). The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. See Part VIII (subsection The Twelve-Month Goal) for more information.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. Until the effective date, applicant may file a petition to make special in an application filed before the effective date by complying with the previous guidelines and requirements in MPEP § 708.02 (I–II, and V–XII). A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice. See Part VIII, for more information on eligibility.

**Part I. Requirements for Petitions to Make Special under Accelerated Examination:** A new application may be granted accelerated examination status under the following conditions:

(1) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism. See 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(2) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(3) The application, petition, and required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-Web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. See Part VIII (subsection The Twelve-Month Goal) for more information.

(4) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. See Part VIII (subsection Conditions for Examination) for more information.

(5) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

(6) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(7) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(8) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

(A) This preexamination search must involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement.

(B) This preexamination search must be directed to the claimed invention and

encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(C) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (*see* item 9) will be treated as not fully responsive and will not be entered. *See* Part IV (Reply by Applicant) for more information.

(D) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements set forth in this notice for a preexamination search.

(E) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. *See* 37 CFR 1.56 and 10.18.

(9) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(A) An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

(B) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(C) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

(D) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(E) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify: (1) Each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6; and (2) the structure, material, or acts in the specification that correspond to each

means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(F) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the Cooperative Research and Technology Enhancement (CREATE) Act (Pub. L. 108-453, 118 Stat. 3596 (2004)).

**Part II. Decision on Petition To Make Special:** Applicant will be notified of the decision by the deciding official. If the application and/or petition does not meet all the prerequisites set forth in this notice for the application to be granted special status (including a determination that the search is deemed to be insufficient), the applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. In those instances in which the petition or accelerated examination support document is defective in one or more requirements, applicant will be given a single opportunity to perfect the petition or accelerated examination support document within a time period of one month (no extensions under 37 CFR 1.136(a)). This opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing. *See* Part VIII (subsection Condition for Examination). If the document is satisfactorily corrected in a timely manner, the petition will then be granted, but the final disposition of the application may occur later than twelve months from the filing date of the application. Once a petition has been granted, prosecution will proceed according to the procedure set forth below.

**Part III. The Initial Action on the Application by the Examiner:** Once the application is granted special status, the application will be docketed and taken up for action expeditiously (*e.g.*, within two weeks of the granting of special status). If it is determined that all the claims presented are not directed to a single invention, the telephone restriction practice set forth in MPEP § 812.01 will be followed. Applicant must make an election without traverse during the telephonic interview. If applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable

effort, the examiner will treat the first claimed invention (the invention of claim 1) as constructively elected without traverse for examination. Continuing applications (*e.g.*, a divisional application directed to the non-elected inventions) will not automatically be given special status based on papers filed with the petition in the parent application. Each continuing application must on its own meet all requirements for special status.

If the USPTO determines that a possible rejection or other issue must be addressed, the examiner will telephone the applicant to discuss the issue and any possible amendment or submission to resolve such issue. The USPTO will not issue an Office action (other than a notice of allowance) unless either: (1) An interview was conducted but did not result in the application being placed in condition for allowance; or (2) there is a determination that an interview is unlikely to result in the application being placed in condition for allowance. Furthermore, prior to the mailing of any Office action rejecting the claims, the USPTO will conduct a conference to review the rejections set forth in the Office action.

If an Office action other than a notice of allowance or a final Office action is mailed, the Office action will set a shortened statutory period of one-month or thirty-days, whichever is longer. No extensions of this shortened statutory period under 37 CFR 1.136(a) will be permitted. Failure to timely file a reply will result in abandonment of the application. *See* Parts V and VI for more information on post-allowance and after-final procedures.

**Part IV. Reply by Applicant:** A reply to an Office action must be limited to the rejections, objections, and requirements made. Any amendment that attempts to: (1) Add claims which would result in more than three independent claims, or more than twenty total claims, pending in the application; (2) present claims not encompassed by the preexamination search (*see* item 8 of Part I) or an updated accelerated examination support document (*see* next paragraph); or (3) present claims that are directed to a nonelected invention or an invention other than previously claimed in the application, will be treated as not fully responsive and will not be entered. *See* Part VIII (subsection Reply Not Fully responsive) for more information.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document in Part I, item 9, applicant is required to provide an updated accelerated examination

support document that encompasses the amended or new claims at the time of filing the amendment. Failure to provide such updated accelerated examination support document at the time of filing the amendment will cause the amendment to be treated as not fully responsive and not to be entered. See Part VIII (subsection Reply Not Fully Responsive) for more information. Any IDS filed with an updated accelerated examination support document must also comply with the requirements of 37 CFR 1.97 and 1.98.

Any reply or other papers must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the papers are not filed electronically via EFS-Web, or the reply is not fully responsive, the final disposition of the application may occur later than twelve months from the filing of the application.

**Part V. Post-Allowance Processing:** The mailing of a notice of allowance is the final disposition for purposes of the twelve-month goal for the program. In response to a notice of allowance, applicant must pay the issue fee within three months from the date of mailing of the Notice of Allowance and Fee(s) Due (form PTOL-85) to avoid abandonment of the application. In order for the application to be expeditiously issued as a patent, the applicant must also: (1) Pay the issue fee (and any outstanding fees due) within one month from the mailing date of the form PTOL-85; and (2) not file any post-allowance papers that are not required by the USPTO (e.g., an amendment under 37 CFR 1.312 that was not requested by the USPTO).

**Part VI. After-Final and Appeal Procedures:** The mailing of a final Office action or the filing of a notice of appeal, whichever is earlier, is the final disposition for purposes of the twelve-month goal for the program. Prior to the mailing of a final Office action, the USPTO will conduct a conference to review the rejections set forth in the final Office action (i.e., the type of conference conducted in an application on appeal when the applicant requests a pre-appeal brief conference). In order for the application to be expeditiously forwarded to the Board of Patent Appeals and Interferences (BPAI) for a decision, applicant must: (1) Promptly file the notice of appeal, appeal brief, and appeal fees; and (2) not request a pre-appeal brief conference. A pre-appeal brief conference would not be of value in an application under a final Office action because the examiner will have already conducted such a conference prior to mailing the final Office action. During the appeal process,

the application will be treated in accordance with the normal appeal procedures. The USPTO will continue to treat the application special under the accelerated examination program after the decision by the BPAI.

Any after-final amendment, affidavit, or other evidence filed under 37 CFR 1.116 or 41.33 must also meet the requirements set forth in Part IV (Reply by Applicant). If applicant files a request for continued examination (RCE) under 37 CFR 1.114 with a submission and fee, the submission must meet the reply requirements under 37 CFR 1.111 (see 37 CFR 1.114(c)) and the requirements set forth in Part IV (Reply by Applicant). The filing of the RCE is a final disposition for purposes of the twelve-month goal for the program. The application will retain its special status and remain in the accelerated examination program. Thus, the examiner will continue to examine the application in accordance with the procedures set forth in Part III and any subsequent replies filed by applicant must meet the requirements of Part IV. The goal of the program will then be to reach a final disposition of the application within twelve months from the filing of the RCE.

**Part VII. Proceedings Outside the Normal Examination Process:** If an application becomes involved in proceedings outside the normal examination process (e.g., a secrecy order, national security review, interference, or petitions under 37 CFR 1.181-1.183), the USPTO will treat the application special under the accelerated examination program before and after such proceedings. During those proceedings, however, the application will not be accelerated. For example, during an interference proceeding, the application will be treated in accordance with the normal interference procedures and will not be treated under the accelerated examination program. Once any one of these proceedings is completed, the USPTO will process the application expeditiously under the accelerated examination program until it reaches final disposition, but that may occur later than twelve months from the filing of the application.

**Part VIII. More Information:**  
**Eligibility:** Any non-reissue utility or design application filed under 35 U.S.C. 111(a) on or after the effective date of this program is eligible for the revised accelerated examination program. The following types of filings are not eligible for this revised accelerated examination program: Plant applications, reissue applications, applications entering the national stage from an international

application after compliance with 35 U.S.C. 371, reexamination proceedings, RCEs under 37 CFR 1.114 (unless the application was previously granted special status under the program), and petitions to make special based on applicant's health or age or under the PPH pilot program. Rather than participating in this revised accelerated examination program, applicants for a design patent may participate in the expedited examination program by filing a request in compliance with the guidelines set forth in MPEP § 1504.30. See 37 CFR 1.155.

**Form:** Applicant should use form PTO/SB/28 for filing a petition to make special, other than those based on applicant's health or age or the PPH pilot program. The form is available on EFS-Web and on the USPTO's Internet Web site at <http://www.uspto.gov/web/forms/index.html>.

**Conditions for Examination:** The application must be in condition for examination at the time of filing. This means the application must include the following:

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (see MPEP section 607(I)),

(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (see MPEP section 607(II));

(C) An executed oath or declaration in compliance with 37 CFR 1.63;

(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(E) A title and an abstract in compliance with 37 CFR 1.72;

(F) Drawings in compliance with 37 CFR 1.84;

(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(H) Foreign priority claim under 35 U.S.C. 119(a)-(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (e.g., the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is

accurate, have been filed in the provisional application) (if applicable);

(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(K) No preliminary amendments present on the filing date of the application; and

(L) No petition under 37 CFR 1.47 for a non-signing inventor.

Furthermore, if the application is a design application, the application must also comply with the requirements set forth in 37 CFR 1.151–1.154.

Applicant should also provide a suggested classification, by class and subclass, for the application on the transmittal letter, petition, or an application data sheet as set forth in 37 CFR 1.76(b)(3) so that the application can be expeditiously processed.

The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (Part II) does not apply to applications that are not in condition for examination on filing.

**Reply Not Fully Responsive:** If a reply to a non-final Office action is not fully responsive, but a *bona fide* attempt to advance the application to final action, the examiner may provide one month or thirty-days, whichever is longer, for applicant to supply the omission or a fully responsive reply. No extensions of this time period under 37 CFR 1.136(a) will be permitted. Failure to timely file the omission or a fully responsive reply will result in abandonment of the application. If the reply is not a *bona fide* attempt or it is a reply to a final Office action, no additional time period will be given. The time period set forth in the previous Office action will continue to run.

**Withdrawal From Accelerated Examination:** There is no provision for "withdrawal" from special status under the accelerated examination program. An applicant may abandon the application that has been granted special status under the accelerated examination program in favor of a continuing application, and the continuing application will not be given special status under the accelerated examination program unless the continuing application is filed with a

petition to make special under the accelerated examination program. The filing of an RCE under 37 CFR 1.114, however, will not result in an application being withdrawn from special status under the accelerated examination program.

**The Twelve-Month Goal:** The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. The twelve-month goal is successfully achieved when one of the following final dispositions occurs: (1) The mailing of a notice of allowance; (2) the mailing of a final Office action; (3) the filing of an RCE; or (4) the abandonment of the application. The final disposition of an application, however, may occur later than the twelve-month timeframe in certain situations (e.g., an IDS citing new prior art after the mailing of a first Office action). See Part VII for more information on other events that may cause examination to extend beyond this twelve-month time frame. In any event, however, this twelve-month timeframe is simply a goal. Any failure to meet the twelve-month goal or other issues relating to this twelve-month goal are neither petitionable nor appealable matters.

**Paperwork Reduction Act:** This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this notice has been reviewed and previously approved by OMB under OMB control number 0651-0031. The Office has submitted a Change Worksheet to OMB for review of form PTO/SB/28 Petition to Make Special Under the Accelerated Examination.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Section 708.02 of the *Manual of Patent Examining Procedure* will be revised in due course to reflect this change in practice.

Dated: June 20, 2006.

Jon W. Dudas,  
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E6-10022 Filed 6-23-06; 8:45 am]

BILLING CODE 3510-16-P

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Designation under the Textile and Apparel Commercial Availability Provisions of the United States Caribbean Basin Trade Partnership Act (CBTPA)

June 21, 2006.

**AGENCY:** The Committee for the Implementation of Textile Agreements (CITA)

**ACTION:** Designation.

**EFFECTIVE DATE:** June 26, 2006.

**SUMMARY:** The Committee for the Implementation of Textile Agreements (CITA) has determined that certain 100 percent cotton, yarn-dyed, 3- or 4-thread twill weave, flannel fabrics, of combed, ring spun single yarns, of the specifications detailed below, classified in subheading 5208.43.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in products in Categories 340, 341, and 350, cannot be supplied by the domestic industry in commercial quantities in a timely manner. The CITA hereby designates products in Categories 340, 341, and 350 that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics, as eligible for quota free and duty free treatment under the textile and apparel commercial availability provisions of the CBTPA and eligible under HTSUS subheading 9820.11.27 to enter free of quota and duties, provided that all other fabrics in the referenced apparel articles are wholly formed in the United States from yarns wholly formed in the United States.

**FOR FURTHER INFORMATION CONTACT:** Maria K. Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3400.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 213(b)(2)(A)(v)(II) of CBERA, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of Executive Order No. 13191 of January 17, 2001.

#### BACKGROUND:

The commercial availability provision of the CBTPA provides for duty free and quota free treatment for apparel articles that are both cut (or knit to shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,231	10/02/2009	Jose Ramon Santana		4718

91334 7590 03/05/2012  
Jose Ramon Santana  
1201 Riberry Lane  
Garland, TX 75043

EXAMINER
CUEVAS, PEDRO J

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
03/05/2012	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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Jose Ramon Santana  
1201 Riberry Lane  
Garland TX 75043

MAR 5 2012

In re Application of:  
Jose SANTANA  
Serial No.: 12/587231  
Filed: 02 October 2009  
Title: **CONTROLLED MOMENTUM HYDRO-ELECTRIC SYSTEM**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petitions filed on 9 December 2010 and 11 October 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d), and a decision on the petitions filed on 9 December 2010 and 11 October 2011 to make the above-identified application special under 37 C.F.R. § 1.102(c) based on applicant's age.

The petition to make the application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) is **DENIED**. The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application was not complete under 37 CFR § 1.51 and in condition for examination at the time of filing. This means the application must include drawings in compliance with 37 CFR 1.84 at the time of filing. In this case, Notice to File Corrected Application Papers, mailed on 26 October 2009, indicated that replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1/121(d) were required. The mailing of a Notice to File Corrected Application Papers is evidence that the application was not complete and in condition for examination at the time of filing.

The petition to make the application special for accelerated examination procedure under 37 C.F.R. § 1.102(c) based on applicant's age is **GRANTED**. The application is made special based on applicant's unequivocal statement, filed 11 October 2011, that the applicant is 65 years of age or older.

For the above-stated reasons, the petition to make the above-identified application special under 37 C.F.R. § 1.102(c) based on applicant's age is **GRANTED**. The application will be forwarded to the examiner for action commensurate with this decision.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist (QAS) Michael Day at (571) 272-1568.

/Michael Day/

---

Michael Day, QAS  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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MICHAEL J. COLITZ, JR.  
640 DOUGLAS AVENUE  
DUNEDIN FL 34698

**MAILED**

JUL 01 2011

OFFICE OF PETITIONS

In re Application of  
Wood  
Application No. 12/587,286  
Filed: 5 October, 2009  
Attorney Docket No. WJ01/01-01

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: DECISION  
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This is a decision on the petition, filed on 20 May, 2011, to revive pursuant to 37 C.F.R. §1.137(b) and alleging abandonment due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations  
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects that:

Applicant, failed to reply timely and properly to a non-final Office action mailed on 12 October, 2010, with reply due absent an extension of time on or before 12 January, 2011.

The application went abandoned after midnight 12 January, 2011

The Office mailed the Notice of Abandonment on 9 May, 2011.

On 20 May, 2011, Petitioner filed a petition with fee pursuant to 37 C.F.R. §1.137(b), a reply in the form of an amendment, and made the statement of unintentional delay.

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).*

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

#### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).<sup>2</sup>

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.<sup>3</sup>))

#### As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> 35 U.S.C. §133 provides:

**35 U.S.C. §133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

<sup>3</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 3644 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>4</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>4</sup> The regulations at 37 C.F.R. §1.2 provide:  
**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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Decision Date : July 12,2011

In re Application of :

Dennis Colonello

Application No : 12587352

Filed : 06-Oct-2009

Attorney Docket No : 24662.50699

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 12,2011

The request is **APPROVED**.

The request was signed by Heather M. Barnes (registration no. 44022 ) on behalf of all attorneys/agents associated with Customer Number 26781 . All attorneys/agents associated with Customer Number 26781 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Dennis John Colonello  
Name2  
Address 1 144 S. Beverly Drive  
Address 2 Suite 400  
City Beverly Hills  
State CA  
Postal Code 90212  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12587352	
Filing Date	06-Oct-2009	
First Named Inventor	Dennis Colonello	
Art Unit	3673	
Examiner Name	MICHAEL TRETTEL	
Attorney Docket Number	24662.50699	
Title	Pelvic and lumbar spine support	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">26781</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Dennis John Colonello	
Address	144 S. Beverly Drive Suite 400	
City	Beverly Hills	
State	CA	
Postal Code	90212	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Heather M. Barnes/
Name	Heather M. Barnes
Registration Number	44022





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,369	10/05/2009	Glenn R. Bowers	71470_US_C11	1100
30279 7590 02/21/2012 DANA REWOLDT Syngenta Biotechnology, Inc. 3054 E. Cornwallis Road Durham, NC 27709			EXAMINER BAUM, STUART F	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 02/21/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.sbi@syngenta.com



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FEB 21 2012

DANA REWOLDT  
Syngenta Biotechnology, Inc.  
3054 E. Cornwallis Road  
Durham NC 27709

In re Application of:

Bowers et al.

Serial No.: 12/587,369

Filed: October 5, 2009

Attorney Docket No.: 71470\_US\_C11

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PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed February 6, 2012, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on October 24, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

LERNER, DAVID, LITTENBERG  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

**MAILED**

DEC 07 2010

**OFFICE OF PETITIONS**

In re Application of :  
Robin A. Maguire et al : DECISION GRANTING STATUS  
Application No. 12/587,405 : UNDER 37 CFR 1.47(a)  
Filed: October 6, 2009 :  
Attorney Docket No. CBR 3.9-047 CONT I :  
CIP :

This is a decision on the petition filed May 19, 2010 under 37 CFR 1.47(a).

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventors, Robin A. Maguire and David M. Phillips, have refused to join in the filing of the above-identified application.


The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The petition fee under 37 CFR 1.47(a) is \$200. The Office received \$130 with this petition. As authorized, the \$70 balance is being charged to petitioner's Deposit Account No. 12-1095.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

  
David Bucor  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Robin A. Maguire  
150 Prospect Avenue  
Valhalla, NY 10595

**MAILED**

**DEC 07 2010**

**OFFICE OF PETITIONS**


In re Application of  
Robin A. Maguire; Mitchell Thorn; David M. Phillips  
Application No. 12/587,405  
Filed: October 6, 2009  
For: UNIQUE COMBINATIONS OF ANTIMICROBIAL COMPOSITIONS

Dear Ms. Maguire:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

  
David Bacon  
Petitions Examiner  
Office of Petitions

cc: Lerner, David, Littenberg  
Krumholz & Mentlik  
600 South Avenue West  
Westfield, NJ 07090



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Alexandria, VA 22313-1450  
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David M. Phillips  
150 Prospect Avenue  
Valhalla, NY 10595

**MAILED**

**DEC 07 2010**

**OFFICE OF PETITIONS**

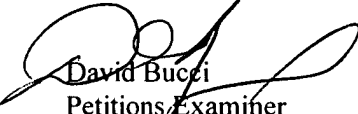
In re Application of  
Robin A. Maguire; Mitchell Thorn; David M. Phillips  
Application No. 12/587,405  
Filed: October 6, 2009  
For: UNIQUE COMBINATIONS OF ANTIMICROBIAL COMPOSITIONS

Dear Mr. Phillips:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

  
David Bucci  
Petitions Examiner  
Office of Petitions

cc: Lerner, David, Littenberg  
Krumholz & Mentlik  
600 South Avenue West  
Westfield, NJ 07090



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Robert D. Shedd, Patent Operations  
THOMSON Licensing LLC  
P.O. Box 5312  
Princeton NJ 08543-5312

**MAILED**

**JAN 14 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Peter George Baum et al. :  
Application No. 12/587,423 : **DECISION ON PETITION**  
Filed: October 7, 2009 :  
Attorney Docket No. **PD080072** :

This is a decision on the petition, filed August 10, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers (Notice) of October 30, 2009, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on July 7, 2010.

Petitioner states that a reply in the form of replacement drawings along with a one (1) month extension of time was timely sent to the Office on January 29, 2010, but have been inadvertently filed in the file record of a different application number. To support this assertion, petitioner has submitted evidence that acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on January 29, 2010, of the formal drawings and a one (1) month extension of time.

The Office concurs with petitioner, in that, a response was timely submitted to the Office on January 29, 2010, but the response listed the wrong application number; and as a result, the response was matched to an unrelated application.

Under current Office procedure, if a paper contains the incorrect application number, but contains sufficient information to identify the correct application and was timely filed, the paper should be transferred to the correct application's file record. In reviewing the papers submitted in the instant application, it is concluded that the information contained thereon (i.e., inventor's name, examiner's name, title of the invention, etc.) was sufficient to associate the papers filed with the above-identified application.

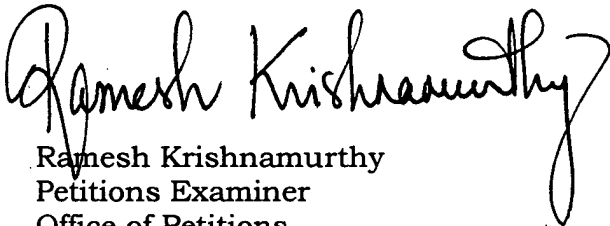
In view of the above, the petition is **GRANTED**. Accordingly, the holding of abandonment for failure to timely file a reply to the Notice to Corrected Application Papers Notice mailed October 30, 2009, is hereby **VACATED** and the application is restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of those filed in the wrong case.

Petitioner is cautioned to ensure that the correct identifying data appears on all correspondence submitted to the USPTO to avoid situations of the nature which occurred in the present application

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing (OPAP) for appropriate action in the normal course of business on the reply received January 29, 2010.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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ROBERT RYAN MORISHITA  
MORISHITA LAW FIRM, LLC  
8960 WEST TROPICANA AVENUE  
SUITE 300  
LAS VEGAS NV 89147

**MAILED**

SEP 08 2011

**OFFICE OF PETITIONS**

In re Application of	:	
Albert E. Cahlan, II	:	
Application No. 12/587,436	:	DECISION ON PETITION
Filed: October 6, 2009	:	
Attorney Docket No. CAHLAN09-05	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 19, 2011, to revive the above-identified application.


This application became abandoned for failure to timely pay the issue and publication fees on or before May 22, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 22, 2011. Accordingly, the date of abandonment of this application is May 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

  
April M. Wise  
Petitions Examiner  
Office of Petitions





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REED SMITH LLP  
101 Second Street  
Suite 1800  
SAN FRANCISCO CA 94105

**MAILED**

AUG 25 2010

OFFICE OF PETITIONS

In re Application of  
Jack Friedlander  
Application No. 12/587,458  
Filed: October 7, 2009  
Attorney Docket No. **359999.03000**

ON PETITION

This is a decision on the petitions under (a) the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2010, to revive the above-identified application and (b) for expedited consideration under 37 CFR 1.182, filed August 23, 2010, thereof for the above-identified application .

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 29, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 30, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The petition does not satisfy item (1), in that the oath/declaration filed July 12, 2010, does not identify the citizenship of each inventor. Therefore, it does not comply with 37 CFR 1.63 which was required by the Notice. Accordingly, this application cannot be granted until the above is corrected.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is written over the printed name.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

REED SMITH LLP  
101 Second Street  
Suite 1800  
SAN FRANCISCO CA 94105

**MAILED**

SEP 27 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of  
Jack Friedlander  
Application No. 12/587,458  
Filed: October 7, 2009  
Attorney Docket No. **359999.03000**

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2010, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath or Declaration and surcharge, (2) the petition fee of \$810 (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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**MICHAEL A. STRAM**  
**5442 SO. NASHVILLE AVENUE**  
**CHICAGO, IL 60638**

**MAILED**

**JUN 08 2011**

**OFFICE OF PETITIONS**

In re Application of  
Stram et al.  
Application No. 12/587,477  
Filing Date: October 8, 2009  
Attorney Docket No. None

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**ON PETITION**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 21, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant that he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1781 for action on the merits commensurate with this decision.

Alicia Kelley-Collier  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Paper No.

MCDERMOTT, WILL & EMERY LLP  
600 13th Street, NW  
Washington DC 20005-3096

**MAILED**

**JUN 07 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Thomas et al. :  
Application No. 12/587,514 : DECISION ON PETITION  
Filed: October 7, 2009 :  
Atty Docket No. 077139-0024 :

This is a decision on the "PETITION FOR CORRECTED FILING RECEIPT," filed May 25, 2011. Petitioner requests that the above-identified application be accorded a filing date of October 7, 2009, rather than the presently accorded filing date of October 8, 2009.

Petitioner maintains that on October 7, 2009, the application was deposited with the U.S. Postal Service (USPS) in accordance with § 1.10(a). In support thereof, petitioner submits copies of the following documents:

- a true copy of the first page of the Application Transmittal to show both the date on which the correspondence was mailed as Express Mail Label No. EV511954214US, and that the number of the Express Mail was placed thereon prior to mailing;
- a true copy of the CERTIFICATE OF MAILING BY "EXPRESS MAIL" detailing the papers being deposited on October 7, 2009 under Express Mail Label No. EV511954214US; and
- a true copy of the USPS Post Office to Addressee Express Mail mailing label used.

Paragraph (a) of 37 CFR 1.10 states that:

Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.

(1) Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS.

(2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

Paragraph (d) of 37 CFR 1.10 states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The instant petition was filed promptly within the meaning of

§ 1.10(d)(1). Although the application was identified as having a filing date of October 8, 2009, the record supports a conclusion that applicant did not realize the significance of this error until after a request to correct a priority claim was denied. Therein, it was noted that the prior application filed October 7, 2008 was filed over a year prior to the filing of this application.

The application transmittal submitted on petition is a true copy of the transmittal of record. A review of the transmittals confirms that the "Express Mail" mailing label No. EV511954228US was placed on the application transmittal identifying the papers originally accorded a filing date of October 8, 2009, prior to the original mailing.

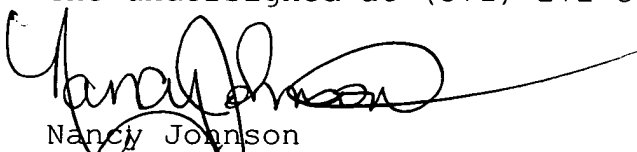
Further, the petition includes a copy of the "Express Mail Post Office to Addressee" mailing label. The handwritten date-in on the label shows a date of October 7, 2009. A review of the U.S. Postal Service Track & Confirm (restored) record for this "Express Mail" package confirms that the USPS considered the package accepted at 6:55 pm, Chicago IL 60607. The evidence has been considered and found persuasive that the application was deposited in the Express Mail post office to addressee service of the USPS prior to the last scheduled pickup on October 7, 2009.

In view thereof, the petition is GRANTED.

No petition fee is required.

The Office of Patent Application Processing (OPAP) has been advised of this decision. No further action is required. It is noted that, on June 2, 2011, OPAP issued a corrected filing receipt, showing a correction of the filing date to October 7, 2009 (and the correction to the domestic priority data requested September 15, 2010).

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

  
Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: EE021

Application Number  
(if known): 12/587,516

Filing date: 10-08-2009

First Named  
Inventor: MARTIN FORNAGE

Title: METHOD AND APPARATUS FOR DETERMINING AC VOLTAGE WAVEFORM ANOMALIES

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: STATEMENTS OF SPECIAL STATUS

Signature /RAYMOND R. MOSER, JR./

Date NOVEMBER 19, 2010

Name RAYMOND R. MOSER, JR.  
(Print/Typed)

Registration Number 34,682

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,516	10/08/2009	Martin Fornage	EE021	2554
54698 7590 11/30/2010 RAYMOND R. MOSER JR., ESQ. MOSER IP LAW GROUP 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702			EXAMINER NGUYEN, HA T	
			ART UNIT 2858	PAPER NUMBER
			MAIL DATE 11/30/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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RAYMOND R. MOSER JR., ESQ.  
MOSER IP LAW GROUP  
1030 BROAD STREET  
SUITE 203  
SHREWSBURY NJ 07702

In re Application of	:	
Martin FORNAGE	:	DECISION ON PETITION
Application No. 12/587,516	:	TO MAKE SPECIAL UNDER
Filed: October 08, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. EE021	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

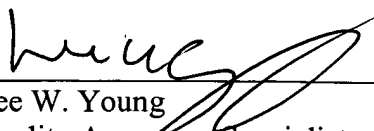
The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to the development of renewable resources. Specifically, the petition indicates that the present invention relates to improving the efficiency of operating distributed generators (DGs) which generate energy from renewable energy sources, such as solar power systems, windfarms, hydroelectric energy systems, and the like. However, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to the development of renewable resources. Any argument that the claimed invention can be used with solar power systems, windfarms, and hydroelectric energy systems is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.



---

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,527	10/08/2009	Kousuke Innami	84978(304191)	8750
EXAMINER				
NGUYEN, HOA T				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
02/16/2011		PAPER		

7590 02/16/2011  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON, MA 02205

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



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MAILED

MAY 20 2011

OFFICE OF PETITIONS

Donald E. Scruggs  
4464 Walnut Ave.  
Chino CA 91710

In re Application of :  
Donald E. Scruggs :  
Application No. 12/587,550 : DECISION ON PETITION  
Filed: October 8, 2009 :  
Attorney Docket No. :

This is a decision on the petitions: (a) a petition March 28, 2011, to withdraw the holding of abandonment under 37 CFR 1.181 (no fee), and (b) a supplemental petition filed April 8, 2011, to revive the above identified application under the unintentional provisions of 37 CFR 1.137(b).

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT**

The petition under 37 CFR 1.181 is **DISMISSED**.

This application was held abandoned for failure to reply to the final Office action of August 26, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on March 28, 2011.

Petitioner contends that the Notice of Abandonment was mailed in "serious errors Mr. Miller [examiner] made." Petitioner also stated that "[Examiner Miller] indicated that Application 12/587,550 was ABANDONED because [petitioner] owe a \$555.00 fee. If [petitioner] somehow owe additional money, should [Examiner Miller] have notified [petitioner] to pay what [was] owe[d], with some sort of explanation." A timely response was due on November 26, 2010, with the option to obtain up to three (3) months extension of time, which would have made the date for a timely reply February 26, 2011. However, a review of the application file record shows that a response (amendment) was filed on February 22, 2011, without a three (3) month extension of time which would have made the response timely. Therefore, since petitioner did not obtain any extension of time the response was considered to be untimely. Accordingly, the instant application was properly held abandoned for failure to timely file a proper reply to the final Office action of August 26, 2010.

I would also like to bring to petitioner attention that the petition filed on March 28, 2011, was not signed. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Accordingly, the application became abandoned by law on November 27, 2010, and the instant petition to withdraw the holding of abandonment cannot be granted at this time.

**PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 26, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 27, 2010.



The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment filed on February 22, 2011; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 3677 for appropriate action by the Examiner in the normal course of business on the amendment filed February 22, 2011.

/Ramesh Krishnamurthy/  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,552	10/08/2009	Takahiro Kamioka	4041P-000141/US	2592
27572 7590 10/25/2011 HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER MULLEN, THOMAS J	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 10/25/2011	DELIVERY MODE PAPER

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**HARNESSE, DICKEY & PIERCE, P.L.C.**  
**P.O. BOX 828**  
**BLOOMFIELD HILLS MI 48303**

**In re Application of**  
**Takahiro KAMIOKA**

**Application No.: 12/587,552**

**Filed: 10 October 2009**

**Attorney Docket No.: 4041P-000141/US**

**For: VEHICLE DETECTION**

**APPARATUS, VEHICLE DETECTION**  
**PROGRAM AND LIGHT CONTROL**  
**APPARATUS**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 07 October 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;

5. Applicant must submit:

a. Documentation of prior office action:

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
- ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
- iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

6. Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

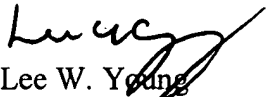
Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example, JP claim 1 requires "the determining means determines that the vehicle exists only when the number of times of variable brightness light source that variability is detected" (emphasis added) while US claim 1 "the determining unit determines that the vehicle exists only when the number of times the brightness light source is detected." US claim 1 is not limited to the number of times the variable brightness light source is detected. Applicant is responsible for ensuring that the scope of the US claims is the same as the scope of the allowed/patentable JP claims.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

A handwritten signature in black ink, appearing to read 'L. Young', with a stylized flourish extending from the end.

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,552	10/08/2009	Takahiro Kamioka	4041P-000141/US	2592
27572 7590 11/15/2011 HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER MULLEN, THOMAS J	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 11/15/2011	DELIVERY MODE PAPER

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**HARNESS, DICKEY & PIERCE, P.L.C.**  
**P.O. BOX 828**  
**BLOOMFIELD HILLS MI 48303**

**In re Application of**  
**Takahiro KAMIOKA**

**Application No.: 12/587,552**  
**Filed: 08 October 2009**  
**Attorney Docket No.: 4041P-000141/US**  
**For: VEHICLE DETECTION**  
**APPARATUS, VEHICLE DETECTION**  
**PROGRAM AND LIGHT CONTROL**  
**APPARATUS**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 07 October 2011 and renewed on 08 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

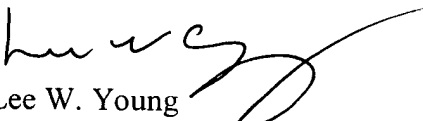
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2600



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12587604	
Filing Date	09-Oct-2009	
First Named Inventor	Susan Cutler	
Art Unit	3751	
Examiner Name	JENNIFER CHIANG	
Attorney Docket Number	2009-SCPAT-397-001	
Title	Water powered brush/sprayer system	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Susan Cutler	
Address	2005 Belvidere Road	
City	Virginia Beach	
State	VA	
Postal Code	23454	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Bambi Faivre Walters/
Name	Bambi Faivre Walters
Registration Number	45197



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[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 16, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Susan Cutler

ATTORNEY/AGENT OF RECORD

Application No : 12587604

Filed: 09-Oct-2009

Attorney Docket No : 2009-SCPAT-397-001

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed January 16, 2012

The request is **APPROVED**

The request was signed by Bambi Faivre Walters (registration no. 45197 ) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name Susan Cutler

Name2

Address 1 2005 Belvidere Road

Address 2

City Virginia Beach

State VA

Postal Code 23454

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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LAW OFFICE OF DONALD J. POCHOPIEN  
6801 RFD  
LONG GROVE, IL 60047

**MAILED**

**JUL 05 2011**

**OFFICE OF PETITIONS**

In re Application of  
Craig Gundersen  
Application No. 12/587,611  
Filed: October 9, 2009  
Attorney Docket No.: 2009US01

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 6, 2011.

The request is **NOT APPROVED**.


A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since a current correspondence address was not provided.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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**OCT 29 2010**

**OFFICE OF PETITIONS**

**URANIA JUANG  
266 E. GISH ROAD  
SAN JOSE, CA 95112**

In re Application of	:	
Gasomsky et al.	:	DECISION ON PETITION
Application No. 12/587,672	:	TO WITHDRAW
Filed: October 9, 2009	:	FROM RECORD
Attorney Docket No. GADOMSKY-001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 21, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Customer Number however the request does not designate a Customer Number to be withdrawn by. Therefore, the current request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

There are no outstanding Office actions that require a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions



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URANIA JUANG  
266 E. GISH ROAD  
SAN JOSE, CA 95112

**MAILED**

**NOV 19 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Gadomsky et al.	:	
Application No. 12/587,672	:	DECISION ON PETITION
Filed: October 9, 2009	:	TO WITHDRAW
Attorney Docket No. GADOMSKY-001	:	FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

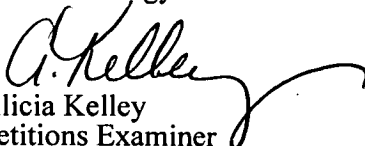
The request was signed by Urania Juang, on behalf of the practitioners of record associated with Customer No. 88283.

Customer No. 88283 has been withdrawn as from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: OLEG GADOMSKY C/O ALEX SHKOLNIK  
PATENT TRANSLATION AND CONSULTING CO., INC.  
485 DARTMOUTH AVENUE  
SAN CARLOS, CA 94070



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/587,672	10/09/2009	Oleg Nikolaevich Gadomsky	GADOMSKY-001

**CONFIRMATION NO. 3535**

**POWER OF ATTORNEY NOTICE**



OC000000044567267

Date Mailed: 11/18/2010

88283  
Urania Juang  
266 E. Gish Road  
San Jose, CA 95112

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/13/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Stephen W. White  
P.O. Box 350  
34 High Street  
Sunapee NH 03782

**MAILED**

**DEC 20 2010**

**OFFICE OF PETITIONS**

In re Patent No. 7,803,005  
Issue Date: September 28, 2010  
Application No. 12/587,691  
Filed: October 13, 2009  
Attorney Docket No. TS-300-A

DECISION ON PETITION

This is a decision on the Certificate Of Correction 25 U.S.C. 254, filed October 6, 2010, which is being treated as a Petition Under 37 CFR 3.81(b) to correct assignee's address --Bellows Falls, VT (USA)-- to the Title Page of the Patent via a Certificate of Correction.

The petition under 37 CFR §3.81(b) is **DISMISSED**.

Petitioner requests that the present Petition was submitted to correct assignee's address -- Bellows Falls, VT (USA)-- on the previously submitted PTOL-85B.

37 CFR 3.81(b), effective June 25, 2004, reads:

*After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

A petition under 37 CFR §3.81(b) requires a certificate of correction fee of \$100.00 (Fee Code 1811), as set forth under 37 CFR 1.20(a), and a petition processing fee of \$130.00 (Fee Code 1464), as set forth under 37 CFR 1.17(i). This petition lacks both fees. For this reason, the petition is dismissed.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

*Cheryl Gibson-Baylor*  
Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,715	10/13/2009	Yoichi Hirota	SONYJP 3.0-2030	9554
7590 04/04/2012			EXAMINER	
SONYJP			ALAVI, AMIR	
Lerner, David, Littenberg, Krumholz & Mentlik, LLP			ART UNIT	
600 South Ave West			PAPER NUMBER	
Westfield, NJ 07090			2624	
			NOTIFICATION DATE	DELIVERY MODE
			04/04/2012	ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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DANIEL P. LABZENTIS  
628 MCFADDEN ROAD  
APALACHIN NY 13732

**MAILED**

NOV 08 2010

OFFICE OF PETITIONS

In re Application of  
Mark A. Kelly  
Application No. 12/587,733  
Filed: October 13, 2009  
Attorney Docket No: **U-00102**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),<sup>1</sup> filed September 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned January 5, 2010, for failure to timely reply to the Notice to File Corrected Application Papers mailed on November 4, 2009, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained prior to the abandonment. Accordingly, a Notice of Abandonment was mailed July 12, 2010.

Receipt of the replacement drawings in compliance with 37 CFR 1.84 and 37 CFR

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<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

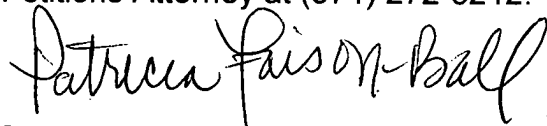
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

1.121, replacement claims in compliance with 37 CFR 1.75(h) and 37 CFR 1.121, as well as a replacement abstract as required by 37 CFR 1.72(b) and 37 CFR 1.121 is acknowledged.

The application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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DW Sep-10

GALLAGHER & KENNEDY, P. A.  
2575 E. CAMELBACK RD. #1100  
PHOENIX AZ 85016

**MAILED**

**SEP 08 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Davis et al. :  
Application Number: 12/587806 :  
Deposited: 10/13/2009 : DECISION ON PETITION  
Attorney Docket No. 11720-0020 :

This is a decision on the "PETITION FOR AWARD OF FILING DATE UNDER 37 C.F.R. 1.53" filed on January 4, 2010, which is treated as a petition requesting that the above-identified application be accorded a filing date of October 13, 2009.

**BACKGROUND**

On October 13, 2009, the application was deposited. The application papers consisted of, *inter alia*, a preliminary amendment to the specification and claims.

Accordingly, on November 10, 2009, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the specification was missing, and that a complete specification as prescribed by 35 U.S.C. 112 is required. A two (2)-month period for response was set.

On January 4, 2010, the subject petition was filed. Petitioner asserts that a copy of the publication of the prior-filed application was submitted by Express Mail with the application papers filed on October 13, 2009. Further, in support, a copy of an itemized postcard receipt bearing an "Office date" of October 13, 2009, and the above-referenced application number was supplied with the subject petition. The postcard itemizes the receipt of, *inter alia*, "Copy of Publication of Parent Application US 2006/0149653 (69 pages)."

On January 6, 2010, an additional preliminary amendment was filed. Additionally, a copy of 41 pages of specification, including 1 page containing the abstract, and 62 pages of drawings, were filed.

At the outset, with respect to the assertion that the application was filed by Express Mail, where there is a dispute as to the *contents* of correspondence submitted to the Office, an applicant may not rely upon the provisions of 37 CFR 1.10 to establish what documents and/or fees were filed in the Office with such correspondence.<sup>1</sup>

Furthermore, a review of the official file reveals that no copy of the 69 pages of the publication of the parent application asserted to have been filed as the specification is located among the papers received with the present petition. Petitioner must supply a copy of the 69 pages, containing the specification, allegedly filed with the application papers.

As such, the petition is dismissed without prejudice to reconsideration pending submission of a copy of the 69 pages allegedly filed on October 13, 2009.

The petition fee has been received, and no additional fee is due.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                    Commissioner for Patents  
                    P.O. Box 1450  
                    Alexandria, VA 22313-1450

By FAX:           (571) 273-8300  
                    Attn: Office of Petitions

---

<sup>1</sup> See MPEP 513.

By hand: Customer Service Window  
Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

A reply may also be filed via EFS-Web.

Telephone inquiries specific to this decision should be directed to the undersigned at 571.272.3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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DW Dec-10

GALLAGHER & KENNEDY, P. A.  
2575 E. CAMELBACK RD. #1100  
PHOENIX AZ 85016

**MAILED**

**DEC 22 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Davis et al. :  
Application Number: 12/587806 :  
Deposited: 10/13/2009 : DECISION ON PETITION  
Attorney Docket No. 11720-0020 :

This is a decision on the "PETITION FOR AWARD OF FILING DATE," filed on October 8, 2010, which is treated as a renewed petition requesting that the above-identified application be accorded a filing date of October 13, 2009.

The petition is **GRANTED**.

On October 13, 2009, the application was deposited. The application papers consisted of, *inter alia*, a preliminary amendment to the specification and claims.

Accordingly, on November 10, 2009, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the specification was missing, and that a complete specification as prescribed by 35 U.S.C. 112 is required. A two (2)-month period for response was set.

On January 4, 2010, the subject petition was filed. Petitioner asserts that a copy of the publication of the prior-filed application was submitted by Express Mail with the application papers filed on October 13, 2009. Further, in support, a copy of an itemized postcard receipt bearing an "Office date" of October 13, 2009, and the above-referenced application number was supplied with the subject petition. The postcard itemizes the receipt of, *inter alia*, "Copy of Publication of Parent Application US 2006/0149653 (69 pages)."

On January 6, 2010, an additional preliminary amendment was filed. Additionally, a copy of 41 pages of specification, including 1 page containing the abstract, and 62 pages of drawings, were filed.

On September 8, 2010, the petition was dismissed for lack of a copy of the application papers (copy of the published prior-filed application) asserted to have been filed on October 13, 2009.

On October 8, 2010, the subject renewed petition was filed, accompanied by a copy of 69 pages of Patent Application Publication No. US 2006/0149653.

Petitioners again assert that the specification, including the claims, was contained in the publication of the prior-filed application, and was filed on October 13, 2009, as acknowledged by the itemized, stamped postcard receipt.

In view of petitioners' itemized, stamped postcard receipt, the evidence is convincing that the application papers deposited on October 13, 2009, contained a copy of the application publication referenced above, which comprises 19 pages of specification, including four (4) pages containing the claims, and 49 sheets of drawings. As such, the application, including the specification referenced above, is entitled to a filing date of October 13, 2009.

The application will be processed with the copy of the application supplied on October 8, 2010 as the original disclosure.

The application file is being forwarded to the Office of Patent Application Processing for further processing with a filing date of **October 13, 2009**, using the copy of the application papers supplied with the present petition.

Telephone inquiries specific to this decision should be directed to the undersigned at 571.272.3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions





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SEP 09 2010

**OFFICE OF PETITIONS**

**GALLAGHER & KENNEDY, P. A.**  
**2575 E. CAMELBACK RD. #1100**  
**PHOENIX AZ 85016**

In re Application of :  
Oren L. Davis et al. :  
Application No. 12/587,819 : **ON PETITION**  
Deposited: October 13, 2009 :  
Attorney Docket No. 11720-0019 :

This is a decision in response to the "PETITION FOR AWARD OF FILING DATE UNDER 37 CFR 1.53" filed January 4, 2010, requesting that the above-referenced application be accorded a filing date of October 13, 2009. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

The petition is **DISMISSED**.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

Application papers in the above-identified application were deposited on October 13, 2009. However, on November 6, 2009, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a specification. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted specification on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

37 CFR 1.57(a) provides that:

Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for benefit of a prior-filed provisional, non-provisional, or international application, that was present on the filing date of the application and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

However, 37 CFR 1.57(a)(1) requires:

- (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office

The application does have a copy of a specification, filed January 6, 2010, however this specification was not accompanied by an amendment to add the specification as required by 37 CFR 1.57(a)(1). Therefore, the petition cannot be granted at this time.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.



Anthony Knight  
Director  
Office of Petitions



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**2575 E. CAMELBACK RD. #1100**  
**PHOENIX AZ 85016**

**MAILED**

**OCT 25 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Oren L. Davis et al. :  
Application No. 12/587,819 : **ON PETITION**  
Deposited: October 13, 2009 :  
Attorney Docket No. 11720-0019 :

This is in response to the "RENEWED PETITION FOR AWARD OF FILING DATE UNDER 37 CFR 1.57(a)" filed October 8, 2010, requesting that the above-referenced application be accorded a filing date of October 13, 2009. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on October 13, 2009. However, on November 6, 2009, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a specification. In response, applicants timely filed a petition on January 4, 2010 which was dismissed in a decision mailed September 9, 2010. Applicants request that the application be amended to include the inadvertently omitted specification on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

37 CFR 1.57(a) provides that:

Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior -filed foreign application, or a claim under § 1.78 for benefit of a prior-filed provisional, non-provisional, or international application, that was present on the filing date of the application and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Petitioner relies on 37 CFR 1.57(a) to incorporate by reference the inadvertently omitted specification to the instant application from prior filed published application 2006/0149653 which corresponds to Application No. 10/399,196 for which a benefit claim under § 1.78 was made.

To the extent the instant petition requests a filing date of October 13, 2009 with no specification present in the application, the petition is **GRANTED**.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to October 13, 2009;**
- **for indication in Office records, as appropriate, that "0" sheets of specification were present on filing and**
- **for issuance of a filing receipt.**

Entry of the amendment filed October 8, 2010 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.



Anthony Knight  
Director  
Office of Petitions



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**MAILED**

JUN 03 2011

PCT LEGAL ADMINISTRATION

APPLETON PAPERS INC.  
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825 E. WISCONSIN AVENUE  
PO BOX 359  
APPLETON WI 54912-0359

In re Application of :  
SMETS, Johan, et al. :  
Application No.: 12/587,840 :  
Filing Date: 14 October 2009 : **DECISION**  
Att Docket No.: 6618 :  
For: BENEFIT AGENT CONTAINING :  
DELIVERY PARTICLES :

This is a decision on applicant's Petition Under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 28 March 2011. The fee for the petition will be charged to deposit account no. 01-2210, as authorized.

**BACKGROUND**

On 14 October 2009, applicant filed papers indicating both that the submission was a submission a national phase filing and that it was a filing under 37 CFR 1.53(b).

On 28 March 2011, applicant filed this petition requesting that the Office convert the above application to a national phase.

**DISCUSSION**

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

As indicated in MPEP 1893.03(a), if there are any conflicting instructions as to whether the filing is under 35 USC 111(a) or 35 USC 371, the application will be accepted under 35 USC 111(a). Applicant submitted the Form PTO/SB/05, which the MPEP states is a clear instruction to process under 35 USC 111(a). MPEP 1893.03(a). Thus, the application is a filing under 35 U.S.C. 111(a) pursuant to 1077 OG 13.

U.S. Statutes and Regulations do not make specific provision for conversion of the application to a national phase and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available. Applicants have not made such a showing.

Applicant may wish to add appropriate priority claims to this application.

**CONCLUSION**

Applicant's petition under 37 CFR 1.182 to convert this filing under 35 USC 111(a) to a filing under 35 USC 371 is **DISMISSED** without prejudice.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the Initial Processing Division of the Office of Patent Application Processing for continued processing.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292



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825 E. WISCONSIN AVENUE  
PO BOX 359  
APPLETON WI 54912-0359

**MAILED**

**SEP 30 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of :  
SMETS, Johan, et al. :  
U.S. Application No.: 12/587,840 :  
Filing Date: 14 October 2009 :  
Attorney Docket No.: 6618 :  
For: BENEFIT AGENT CONTAINING :  
DELIVERY PARTICLES :

**DECISION**

This is a decision on the petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) to accept unintentionally delayed claims for priority, filed in the United States Patent and Trademark Office on 01 August 2011.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of International Application No. PCT/US2008/007036, filed 04 June 2008." A benefit claim that merely states: "This application

claims the benefit of International Application No. PCT/US2008/007036, filed 04 June 2008,” does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP 201.11. The amendment filed 01 August 2011 fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Further, a nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed within 12 months from the filing date of the provisional application. Although an application that itself directly claims the benefit of a provisional application is not required to specify the relationship to the provisional application, if the instant nonprovisional application is not filed within the 12 month period, but claims the benefit of an intermediate nonprovisional application under 35 U.S.C. 120 that was filed within 12 months from the filing date of the provisional application and claimed the benefit of the provisional application, the intermediate application must be clearly identified as claiming the benefit of the provisional application so that the Office can determine whether the intermediate nonprovisional application was filed within 12 months of the provisional application and thus, whether the claim is proper. Applicant must state, for example, “this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---.” A benefit claim that merely states “this application claims the benefit of nonprovisional Application Nos. C and B, and provisional Application No. A” would be improper. Where the benefit of more than one provisional application is being claimed, the intermediate nonprovisional application(s) claiming the benefit of each provisional application must be indicated. Applicant must state, for example, “this application is continuation of Application No. D, filed ---, which is a continuation-in-part of Application No. C, filed ---, Application No. D claims the benefit of provisional Application No. B, filed ---, and Application No. C claims the benefit of provisional Application No. A, filed ---.” If a benefit claim to a provisional application is submitted without an indication that an intermediate application directly claims the benefit of the provisional application and the instant nonprovisional application is not filed within the 12 month period or the relationship between each nonprovisional application is not indicated, the Office will not recognize such benefit claim and will not include the benefit claim on the filing receipt. Therefore, a petition under 37 CFR 1.78(a) and the surcharge set forth in 37 CFR 1.17(t) will be required if the intermediate application and the relationship of each nonprovisional application are not indicated within the period set forth in 37 CFR 1.78(a). MPEP 201.11, Benefit Claims to Multiple Prior Applications.

The reference to add the prior-filed applications on page one following the first sentence of the specification is not acceptable. Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 or 37 CFR 1.76(b)(5)) to correct the above matters are required.



Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any inquiries concerning this decision may be directed to the Erin Thomson at (571) 272-3292.

This application is being referred to Technology Center 1788 for consideration of the after final amendment.

/Boris Milef/

Boris Milef  
PCT Legal Examiner  
Office of PCT Legal Administration



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**JAN 30 2012**

**PCT LEGAL ADMINISTRATION**

In re Application of :  
SMETS, Johan, et al. :  
U.S. Application No.: 12/587,840 :  
Filing Date: 14 October 2009 : **DECISION**  
Attorney Docket No.: 6618 :  
For: BENEFIT AGENT CONTAINING :  
DELIVERY PARTICLES :

This is a decision on the petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) to accept unintentionally delayed claims for priority, filed in the United States Patent and Trademark Office on 07 October 2011.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an amendment to the first sentence(s) of the specification, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition's statement of unintentional delay is construed to mean the entire delay between the date the claims were due under paragraph 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) of this section and the date the claim were filed was unintentional. If this is not a correct interpretation, applicants **MUST** notify the Office immediately. Accordingly, having found that the petition for

acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

***The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.***

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Erin Thomson at (571) 272-3292. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

/Boris Milef/

Boris Milef  
PCT Legal Examiner  
Office of PCT Legal Administration



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**SEP 09 2010**

**OFFICE OF PETITIONS**

**GALLAGHER & KENNEDY, P. A.**  
**2575 E. CAMELBACK RD. #1100**  
**PHOENIX AZ 85016**

In re Application of :  
Oren L. Davis et al. :  
Application No. 12/587,843 : ON PETITION  
Deposited: October 13, 2009 :  
Attorney Docket No. 11720-0019 :

This is a decision in response to the "PETITION FOR AWARD OF FILING DATE UNDER 37 CFR 1.53" filed January 4, 2010, requesting that the above-referenced application be accorded a filing date of October 13, 2009. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

The petition is **DISMISSED**.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

Application papers in the above-identified application were deposited on October 13, 2009. However, on November 10, 2009, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a specification. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted specification on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

37 CFR 1.57(a) provides that:

Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior -filed foreign application, or a claim under § 1.78 for benefit of a prior-filed provisional, non-provisional, or international application, that was present on the filing date of the application and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

However, 37 CFR 1.57(a)(1) requires:

- (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office

The application does have a copy of a specification, filed January 7, 2010, however this specification was not accompanied by an amendment to add the specification as required by 37 CFR 1.57(a)(1). Therefore, the petition cannot be granted at this time.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.



Anthony Knight  
Director  
Office of Petitions



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GALLAGHER & KENNEDY, P. A.  
2575 E. CAMELBACK RD. #1100  
PHOENIX AZ 85016

**MAILED**  
**OCT 27 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Oren L. Davis et al. :  
Application No. 12/587,843 : ON PETITION  
Deposited: October 13, 2009 :  
Attorney Docket No. 11720-0017 :

This is in response to the "RENEWED PETITION FOR AWARD OF FILING DATE UNDER 37 CFR 1.57(a)" filed October 8, 2010, requesting that the above-referenced application be accorded a filing date of October 13, 2009. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on October 13, 2009. However, on November 10, 2009, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a specification. In response, applicants timely filed a petition on January 4, 2010 which was dismissed in a decision mailed September 9, 2010. Applicants request that the application be amended to include the inadvertently omitted specification on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

37 CFR 1.57(a) provides that:

Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior -filed foreign application, or a claim under § 1.78 for benefit of a prior-filed provisional, non-provisional, or international application, that was present on the filing date of the application and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Petitioner relies on 37 CFR 1.57(a) to incorporate by reference the inadvertently omitted specification to the instant application from prior filed published application 2006/0149653 which corresponds to Application No. 10/399,196 for which a benefit claim under § 1.78 was made.

To the extent the instant petition requests a filing date of October 13, 2009 with no specification present in the application, the petition is **GRANTED**.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to October 13, 2009;**
- **for indication in Office records, as appropriate, that "0" sheets of specification were present on filing and**
- **for issuance of a filing receipt.**

Entry of the amendment filed October 8, 2010 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.



Anthony Knight  
Director  
Office of Petitions



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**OFFICE OF PETITIONS**

GALLAGHER & KENNEDY, P. A.  
2575 E. CAMELBACK RD. #1100  
PHOENIX, AZ 85016

In re Application of Davis et al.	:	
Application No. 12/587,843	:	
Filing Date: October 13, 2009	:	Decision on Request
Attorney Docket No. 11720-0017	:	
Pub. No.: US 2011/0112925 A1	:	
Pub. Date: May 12, 2011	:	

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed June 6, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

[Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a “material” mistake if the mistake affects the public’s ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The mistake identified in the instant request is not a material Office mistakes as required under 37 C.F.R. § 1.221(b). Specifically, the mistake does not affect the public’s ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent

<sup>1</sup> See Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). See also Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).



application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a “request for republication of an application previously published” may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office’s electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i). If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained. Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a “Pre-Grant Publication” and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

There is no indication that the person signing the instant request was ever given a power of attorney or authorization of agent to prosecute the application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person who signed the instant petition, all future correspondence will be directed solely to the current address of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Christopher Bottorff  
Petitions Examiner  
Office of Petitions

cc: BALLARD SPAHR LLP  
SUITE 1000  
999 PEACHTREE STREET  
ATLANTA, GA 30309-3915



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**BOBBY L. BATES**  
**5575 ALCORN RD.**  
**FALLON, NV 89406**

**MAILED**

**JUN 02 2011**

**OFFICE OF PETITIONS**

In re Application of  
Bates et al.  
Application No. 12/587,854  
Filed: October 13, 2009  
Attorney Docket No. None

:  
:  
:  
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:

**ON PETITION**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 2, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant that he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Alicia Kelley-Collier  
Petitions Examiner  
Office of Petitions



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GALLAGHER & KENNEDY, P.A.  
2575 CAMELBACK RD. #1100  
PHOENIX AZ 85016

**MAILED**

**DEC 13 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Oren L. Davis et al : DECISION ON PETITION  
Application No. 12/587,856 :  
Deposited: October 13, 2009 :  
Atty. Docket No. 11720-0021 :

This is a decision on the renewed petition under 37 CFR 1.57(a), filed September 16, 2010, requesting that the above-identified application be accorded a filing date of October 13, 2009.

The petition is **GRANTED**.

The application was deposited on October 13, 2009. On November 10, 2009, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application has not been accorded a filing date because the application was deposited without the specification as required by 35 U.S.C. 113.

The instant renewed petition was filed on September 16, 2010, and is accompanied by an amendment requesting entry of the omitted specification, a copy of the specification as present on filing in the prior-filed application, Serial No. 10/399,196, and a copy of the drawings as present on filing in the prior-filed application.

Effective September 21, 2004, 37 CFR 1.57 allows a priority claim to a prior-filed application to be considered an incorporated by reference statement allowing for the incorporation of the prior filed application as to inadvertently omitted portion of the specification or drawings. When using 37 CFR 1.57, applicant's are required to amend the application to include the inadvertently omitted material, and supply a copy of the prior-filed application and identify where the inadvertently omitted portion of the specification can be found in the prior-filed application.

It is noted that 37 CFR 1.57(a) indicates that if the application is not otherwise entitled to a filing date under 37 CFR 1.53(b), the amendment must be by way of the petition. This application was determined not to be entitled to a filing date. Accordingly,

a petition is required to amend the application pursuant to 37 CFR 1.57.

In view thereof, the petition under § 1.57(a) is **GRANTED**. The amendment will be entered in due course.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for according of a filing date of **October 13, 2009**, using the application papers received in the Office on that date and the specification, and drawings submitted with the present petition.

The application is referred to the Office of Patent Application Processing for further processing and the issuance of a corrected filing receipt.

Telephone inquiries specific to this decision should be directed to Karen Creasy at (571)272-3208.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is positioned above the printed name.

Anthony Knight  
Director  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:** \_\_\_\_\_

**DATE** : 4/28/11

**TO SPE OF** : ART UNIT 3635

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12587872 Patent No.: 7818932

**CofC mailroom date:** 04/11/11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580**

**You can fax the Directors/SPE response to 571-270-9990**

*Lamonte Newsome*

**Certificates of Correction Branch**

**571-272-3421**

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

**All changes apply.**

☐ **Approved in Part**

**Specify below which changes **do not** apply.**

☐ **Denied**

**State the reasons for denial below.**

**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

/Eileen Lillis/

**SPE**

3635

**Art Unit**



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ANDREI DUKHIN  
364 ADAMS STREET  
BEDFORD HILLS NY 10507

**MAILED**

OCT 19 2010

**OFFICE OF PETITIONS**

In re Application of :  
Dukhin et al. :  
Application No. 12/587,877 : **DECISION ON PETITION**  
Filed: October 15, 2009 :  
Title: Method For Determining Porosity, Pore :  
Size And Zeta Potential Of Porous Bodies :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks none of the above items.

However, the petition must be signed by:

- (1) An attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
- (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
- (5) **All of the applicants (§§ 1.42.1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.**

Further, only one of the three listed inventors has signed the instant petition. As discussed above, all of the inventors are required to sign the petition.

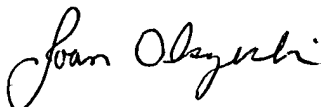
Further correspondence with respect to this matter should be addressed as follows:

By mail:        Mail Stop PETITIONS  
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                  Post Office Box 1450  
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                  Customer Service Window, Mail Stop Petitions  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

By fax:                (571) 273-8300  
                          ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-



Joan Olszewski  
Petitions Examiner  
Office of Petitions



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ANDREI DUKHIN  
364 ADAMS STREET  
BEDFORD HILLS NY 10507

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of :  
Dukhin et al. :  
Application No. 12/587,877 : DECISION ON PETITION  
Filed: October 15, 2009 :  
Title: Method For Determining Porosity, Pore :  
Size And Zeta Potential Of Porous Bodies :

This is a decision on the petition, filed October 29, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed January 12, 2010. A Notice of Abandonment was mailed on September 24, 2010.

Petitioner asserts that the Notice dated January 12, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

- (1) A statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.



(2) A statement from the practitioner that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The instant petition does not comply with item (1) above.

As to item (1), petitioner has not provided a statement describing the system used for recording an Office action received at the correspondence address of record with the USPTO and whether it is sufficiently reliable.

Further correspondence with respect to this matter should be addressed as follows:

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By hand:                     Customer Window located at:  
  
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                                    Customer Service Window Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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**ANDREI DUKHIN**  
**364 ADAMS STREET**  
**BEDFORD HILLS NY 10507**

**MAILED**

**JUL 14 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Dukhin et al. :  
Application No. 12/587,877 : **DECISION ON PETITION**  
Filed: October 15, 2009 :  
Title: Method For Determining Porosity, Pore :  
Size And Zeta Potential Of Porous Bodies :

This is a decision on the renewed petition, filed June 23, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above- identified application.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 12, 2010. A Notice of Abandonment was mailed September 24, 2010.

Petitioner asserts that the Office action dated January 12, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

- (1) A statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.
- (2) A statement from the practitioner that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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**GALLAGHER & KENNEDY, P. A.**  
**2575 E. CAMELBACK RD. #1100**  
**PHOENIX AZ 85016**

**MAILED**

**AUG 16 2010**

In re Application of	:	OFFICE OF PETITIONS
Oren L. Davis et al.	:	
Application No. 12/587,883	:	ON PETITION
Deposited: October 13, 2009	:	
Attorney Docket No. 11720-0018	:	

This is in response to the "PETITION FOR AWARD OF FILING DATE UNDER 37 CFR 1.53" filed January 4, 2010, requesting that the above-referenced application be accorded a filing date of November 13, 2009. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

Application papers in the above-identified application were deposited on October 13, 2009. However, on November 13, 2009, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a specification. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted specification on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

37 CFR 1.57(a) provides that:

Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior -filed foreign application, or a claim under § 1.78 for benefit of a prior-filed provisional, non-provisional, or international application, that was present on the filing date of the application and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Petitioner relies on 37 CFR 1.57(a) to incorporate by reference the inadvertently omitted specification to the instant application from prior filed published application 2006/0149653 which corresponds to Application No. 10/399,196 for which a benefit claim under § 1.78 was made.

To the extent the instant petition requests a filing date of October 13, 2009 with no specification present in the application, the petition is **GRANTED**.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to October 13, 2009;**
- **for indication in Office records, as appropriate, that "0" sheets of specification were present on filing and**
- **for issuance of a filing receipt.**

Entry of the amendment filed January 7, 2010 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.



Anthony Knight  
Director  
Office of Petitions



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GALLAGHER & KENNEDY, P. A.  
2575 E. CAMELBACK RD. #1100  
PHOENIX AZ 85016

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Application of :  
Oren L. Davis et al. : CORRECTED DECISION  
Application No. 12/587,883 : ON PETITION  
Deposited: October 13, 2009 :  
Attorney Docket No. 11720-0018 :

This is a **corrected** decision in response to the "PETITION FOR AWARD OF FILING DATE UNDER 37 CFR 1.53" filed January 4, 2010, requesting that the above-referenced application be accorded a filing date of November 13, 2009. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

The petition is **DISMISSED**.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

Application papers in the above-identified application were deposited on October 13, 2009. However, on November 13, 2009, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a specification. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted specification on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

37 CFR 1.57(a) provides that:

Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for benefit of a prior-filed provisional, non-provisional, or international application, that was present on the filing date of the application and the inadvertently omitted portion of the specification or drawing(s) is completely contained

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

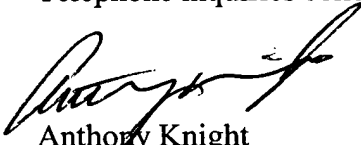
in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

However, 37 CFR 1.57(a)(1) requires:

- (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office

The application does have a copy of a specification, filed January 7, 2010, however this specification was not accompanied by an amendment to add the specification as required by 37 CFR 1.57(a)(1). Therefore, the petition cannot be granted at this time.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.



Anthony Knight  
Director  
Office of Petitions



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2575 E. CAMELBACK RD. #1100  
PHOENIX AZ 85016

**MAILED**

OCT 27 2010

**OFFICE OF PETITIONS**

In re Application of :  
Oren L. Davis et al. :  
Application No. 12/587,883 : ON PETITION  
Deposited: October 13, 2009 :  
Attorney Docket No. 11720-0018 :

This is in response to the "RENEWED PETITION FOR AWARD OF FILING DATE UNDER 37 CFR 1.57(a)" filed October 8, 2010, requesting that the above-referenced application be accorded a filing date of October 13, 2009. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on October 13, 2009. However, on November 13, 2009, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a specification. In response, applicants timely filed a petition on January 4, 2010 which was dismissed in a decision mailed September 7, 2010. Applicants request that the application be amended to include the inadvertently omitted specification on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

37 CFR 1.57(a) provides that:

Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior -filed foreign application, or a claim under § 1.78 for benefit of a prior-filed provisional, non-provisional, or international application, that was present on the filing date of the application and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.



Petitioner relies on 37 CFR 1.57(a) to incorporate by reference the inadvertently omitted specification to the instant application from prior filed published application 2006/0149653 which corresponds to Application No. 10/399,196 for which a benefit claim under § 1.78 was made.


To the extent the instant petition requests a filing date of October 13, 2009 with no specification present in the application, the petition is **GRANTED**.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to October 13, 2009;**
- **for indication in Office records, as appropriate, that "0" sheets of specification were present on filing and**
- **for issuance of a filing receipt.**

Entry of the amendment filed October 8, 2010 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.

  
Anthony Knight  
Director  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/587,916	10/15/2009	Makoto Tsukamoto	SONYJP 3.0-2031	1574
7590 04/04/2012			EXAMINER	
SONYJP Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Ave West Westfield, NJ 07090			COUSO, YON JUNG	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			04/04/2012	ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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**BRINKS HOFER GILSON & LIONE**  
**P.O. BOX 10395**  
**CHICAGO IL 60610**

**MAILED**

**AUG 27 2010**

**OFFICE OF PETITIONS**

In re Application of  
Yoshiyuki KAWAMURA  
Application No. 12/587,931  
Filed: October 15, 2009  
Attorney Docket No. 11333/295

PETITION DECISION

This is a decision on the petition, filed January 27, 2010, requesting that the above-identified application be accorded a filing date of October 14, 2009, rather than the presently accorded date of October 15, 2009. The petition is properly treated as a petition under 37 CFR 1.10(c).

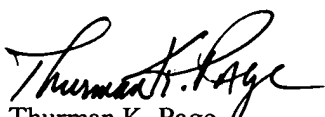
Petitioner alleges that the application was deposited in Express Mail Service on October 14, 2009. In support, the petition is accompanied by a copy of Express Mail receipt No. EM219106508 US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of October 14, 2009.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on October 14, 2009.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to October 14, 2009 and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed Michelle R. Eason at (571) 272-4231. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



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ROGER PROKSCH  
C/O ASYLUM RESEARCH CORPORATION  
6310 HOLLISTER AV  
GOLETA CA 93117

**MAILED**

**AUG 03 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Proksch, Viani, Cleveland, : DECISION REFUSING STATUS  
Rutgers, Klonowski, Waters, : UNDER 37 CFR 1.47(a)  
Hodgson, Hensel, and Costales :  
Application Number: 12/587943 :  
Filing Date: 10/14/2009 :  
Attorney Docket Number: :  
Asylum-Batmanmodular :

This is in response to the petition under 37 CFR 1.47(a) filed on May 6, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

**FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.**  
Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on October 14, 2009, without an executed oath or declaration.

Accordingly, on November 9, 2009, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the oath or declaration was missing, and that a surcharge for its late filing was required. Additionally, replacement drawings in compliance with 37 CFR 1.84 and 1.121(d) were required.

In response, on May 6, 2010, a four (4) month extension of time was filed, along with a declaration naming Roger Proksch, Mario Viani, Jason Cleveland, Maarten Rutgers, Matthew Klonowski, Deron Walters, James Hodgson, Jonathan Hensel, and Paul Costales, as joint inventors, signed by all joint inventors except Hensel on behalf of themselves and non-signing joint inventor Hensel Robbins on behalf of himself and the non-signing inventors.

Petitioners assert that the application was sent to the non-signing inventor, but that the inventor has failed to sign and return the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

- (3) the petition fee;

- (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

- (5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1) and (2).

In regards to item (1), petitioners have not provided proof that the non-signing inventor was ever sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).<sup>1</sup> Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the

---

<sup>1</sup> MPEP 409.03(d).

non-signing inventor(s) or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

If the envelope sent to the non-signing inventor at the last known address is returned as undeliverable by the post office, petitioners should provide a copy of the envelope showing that the application was returned as undeliverable with any renewed petition. If the inventor refuses in writing to sign, a copy of that written refusal should be provided with any renewed petition. If the inventor refuses orally, petitioners should submit details of the refusal in an affidavit or declaration of facts by a person having first-hand knowledge of the refusal.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that despite diligent efforts, the inventor could not be reached.

In regards to item (2), the declaration is defective in that the citizenship, residence city and state or city and foreign country, and mailing address are missing for the non-signing inventor.<sup>2</sup> A statement of the inventor's citizenship is a statutory requirement and cannot be waived.<sup>3</sup>

It is additionally noted that the residence and mailing address for non-signing inventor Hensel are missing from the declaration. Applicant's place of residence, that is, the city and either state or foreign country, is required to be included in the oath or declaration in a nonprovisional application for compliance with 37 CFR 1.63 unless it is included in an application data sheet (37 CFR 1.76).<sup>4</sup>

Furthermore, each applicant's mailing or post office address is required to be supplied on the oath or declaration.

---

<sup>2</sup> MPEP 605.01.

<sup>3</sup> 35 U.S.C. § 115, MPEP 605.01.

<sup>4</sup> MPEP 605.02

Lastly, the declaration filed with the petition does not meet the requirements of 37 CFR 1.63 because it contains uninitialed/undated alterations.<sup>5</sup> Specifically, there are uninitialed/undated alterations in the signature block for joint inventor Walters.

A new oath or declaration in compliance with 37 CFR 1.63 and 1.67, listing the residence, mailing address, and citizenship of all of the inventors and signed by the inventor to whom the corrections pertain (i.e., joint inventor Walters) must be provided with any renewed petition.

A new oath or declaration, executed by all of the signing inventors on behalf of themselves and the non-signing inventor, must be supplied with any renewed petition.

Petitioners are reminded that any oath or declaration filed with a renewed petition must identify both the application number and filing date of the application.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:           (571) 273-8300  
                  Attn: Office of Petitions

By hand:           Customer Service Window  
                  Mail Stop Petition  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

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<sup>5</sup> See 37 CFR 1.52(c).

Application No. 12/587943

5

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Cc: LAW OFFICE OF SCOTT C. HARRIS, INC.  
P.O. BOX 1389  
RANCHO SANTA FE CA 92067



Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT          ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	
Application Number	12587943	
Filing Date	14-Oct-2009	
First Named Inventor	Roger Proksch	
Attorney Docket Number	Asylum-Batmanmodular	
Title	Modular atomic force microscope	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
Petition Fee  <input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  <input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).  <input checked="" type="radio"/> Applicant(s) status remains as SMALL ENTITY.  <input type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.		
2. Reply and/or fee  <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on  <input checked="" type="radio"/> Amendment and response are attached		
RCE request, submission, and fee.  <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on  <input type="radio"/> RCE Request, Submission, and Fee are attached		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

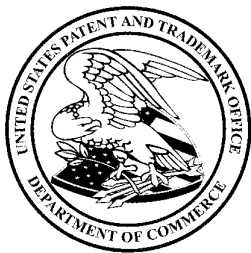
☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Scott C Harris/
Name	Scott Harris
Registration Number	32030



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date January 12, 2012

In re Application of Roger Proksch

Application No. 12587943

Filed: 14-Oct-2009

### DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. Asylum-Batmanmodular

This is an electronic decision on the petition under 37 CFR 1.137(b), January 12, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**RICHARD L. MILLER  
12 PARKSIDE DRIVE  
DIX HILLS NY 11746**

**MAILED**

**JAN 31 2011**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
David Mayhew	:	
Application No. 12/587,982	:	<b>DECISION ON PETITION</b>
Filed: October 15, 2009	:	
Attorney Docket No. MAYD10A	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Omitted Items, mailed November 4, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 5, 2010. A Notice of Abandonment was mailed October 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a specification, abstract and claims, (2) the petition fee of \$810, (3) a proper statement of unintentional delay. Accordingly the specification, abstract and claims are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272 -4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received December 2, 2010.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MEDLEN & CARROLL, LLP  
SUITE 350  
101 HOWARD STREET  
SAN FRANCISCO CA 94105

**MAILED**

NOV 17 2010

**OFFICE OF PETITIONS**

In re Application of  
Weiss et al.  
Application No. 12/587,994  
Filed: October 15, 2009  
Attorney Docket No. WEISS-  
16603/MIT16791

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:  
: DECISION ON PETITION  
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This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 21, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed November 12, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on June 13, 2010. A Notice of Abandonment was mailed July 21, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may

require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1) of the above items.

With respect to item (1), petitioner has fail to submit proper Replacement drawings as required by the November 12, 2009 Notice. The Notice required the following:

Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 (d) are required. The drawings submitted are not acceptable because: • Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) All. • The drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible ( see 37 CFR 1.84(0)). See Figure(s) All. • The drawings submitted to the Office are not electronically reproducible because portions of figures All are missing and/or blurry.

The drawings submitted October 15, 2009 remain unacceptable.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

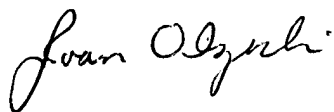
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax:(571) 273-8300  
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7751.



Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MEDLEN & CARROLL, LLP**  
**SUITE 350**  
**101 HOWARD STREET**  
**SAN FRANCISCO CA 94105**

**MAILED**  
**JAN 21 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Weiss et al. :  
Application No. 12/587,994 : **DECISION ON PETITION**  
Filed: October 15, 2009 :  
Attorney Docket No. WEISS- :  
16603/MIT16791 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed November 12, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the above-identified application became abandoned on June 15, 2010. A Notice of Abandonment was mailed on July 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration, the \$65.00 Surcharge fee, the \$82.00 Basic filing fee, the \$270.00 Search fee, and the \$110.00 Examination fee, and Replacement drawings; (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

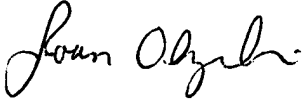
Further, petitioner has submitted additional drawings. Petitioner contends that selected color drawings are included because "these same color images are superior (as compared to black and white images) in projecting detail and contrast. Additionally, petitioner asserts "Applicants believe that color is needed to better illustrate the expression and pattern and legibility."

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a

representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,073	10/02/2009	Noboru Takatsuka	260286/08	4353
7590 08/06/2011 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER YE, LIN	
			ART UNIT	PAPER NUMBER
			2622	
			MAIL DATE	DELIVERY MODE
			08/06/2011	PAPER

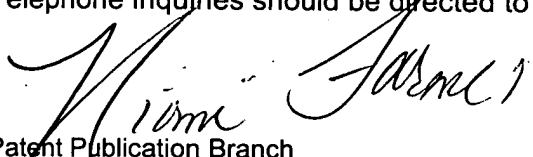
## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SHLESINGER, ARKWRIGHT & GARVEY LLP  
5845 Richmond Highway, Suite 415  
ALEXANDRIA VA 22303

**MAILED**

SEP 08 2011

In re Application of	:	OFFICE OF PETITIONS
Thomas M. Espinosa	:	
Application No.: 12/588101	:	ON PETITION
Filing or 371(c) Date: 10/02/2009	:	
Attorney Docket Number:	:	
7679	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed August 25, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed February 22, 2011. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on May 23, 2011.

Applicant files the present petition and Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 3633 for processing of the response to the Office action filed with the petition in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON VA 20191**

**MAILED**

**SEP 07 2010**

In re Application of  
Yamakose et al.  
Application No. 12/588,140  
Filed: October 6, 2009  
Attorney Docket No. 104-005

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**OFFICE OF PETITIONS**

**ON PETITION**

This is a notice regarding your request, August 10, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Liana Walsh  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,149	10/06/2009	Remi Soula	138663	6895
EXAMINER				
ART UNIT				
PAPER NUMBER				
1654				
NOTIFICATION DATE				
DELIVERY MODE				
08/12/2010				
ELECTRONIC				

7590 08/12/2010  
OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Farmer*  
Patent Publication Branch  
Office of Data Management

Reprint of: 10/06/2009 138663 6895  
12/588,149 10/06/2009 138663 6895  
12/588,149 10/06/2009 138663 6895

Adjustment date: 23/11/2010 138663 6895  
10/06/2009 138663 6895 12568149  
12/588,149 10/06/2009 138663 6895  
12/588,149 10/06/2009 138663 6895



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA VA 22320-4850

**MAILED**  
**OCT 07 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Illers et al.  
Application No. 12/588,204  
Filed: 10/07/2009  
Attorney Docket No. 143155

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed April 4, 2011, to change the order of the names of the inventors.

The petition is **granted**.

The Office of Petitions has changed the order of the names of the inventors in the USPTO computer records and printed a new bibliographic data sheet, which will be scanned into the Image File Wrapper.

A corrected filing receipt, reflecting the requested change, accompanies this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/588,204	10/07/2009	2121	1220	143155	15	2

CONFIRMATION NO. 5456

CORRECTED FILING RECEIPT



\*OC000000050169019\*

25944  
OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

Date Mailed: 10/04/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Hartmut Illers, Hahaussen, GERMANY;  
Kazuhiko Hidaka, Best, NETHERLANDS;  
Akinori Saito, Tsukuba-shi, JAPAN;  
Hans-Ulrich Danzebrink, Braunschweig, GERMANY;

**Assignment For Published Patent Application**

MITUTOYO CORPORATION, Kawasaki-Shi, JAPAN  
BUNDESREPUBLIK DEUTSCHLAND, ENDVERTRETEN DURCH DEN PRASIDENTEN DER  
PHYSIKALISCH-TECHNISCHEN BUNDESANSTALT, Braunschweig, GERMANY

**Power of Attorney:** The patent practitioners associated with Customer Number 25944

**Domestic Priority data as claimed by applicant**

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)  
EUROPEAN PATENT OFFICE (EPO) 09000438.3 01/14/2009

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

**Request to Retrieve** - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to Retrieve Electronic Priority Application(s)** (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

**If Required, Foreign Filing License Granted:** 10/23/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/588,204**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No  
**Title**

Method of actuating a system, apparatus for modifying a control signal for actuation of a system and method of tuning such an apparatus

**Preliminary Class**

700

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,228	10/08/2009	Masato Yoshida	01-1914	6689
23400	7590	11/14/2011		
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			EXAMINER MUHEBBULLAH, SAJEDA	
			ART UNIT 2174	PAPER NUMBER
			NOTIFICATION DATE 11/14/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailbox@poszlaw.com  
lwebbers@poszlaw.com  
dposz@poszlaw.com



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POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON VA 20191

In re Application of: M. YOSHIDA  
Application No. 12/588,228  
Attorney Docket #: **01-1914**  
Filed: October 8, 2009  
For: **NAVIGATION APPARATUS**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 15, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date. In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. § 120 to a PCT application):

- (a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,
- Or
- (b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO
- Or
- (c) is an application which shares a common priority document with the application filed in JPO
- Or
- (d) and the JPO application are derived from/related to a PCT application having no priority claim

- (2) Applicant must submit a copy of:
- a. The allowable/patentable claim(s) from the JPO application(s)
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;

If the JPO office action does not explicitly state that a particular claim is allowable, the applicant must include a statement in the request for participation in the PPH program or in the transmittal letter accompanying the request for participation that no rejection has been made in the JPO office action regarding that claim, and therefore, the claim is deemed allowable by JPO.

- (3) Applicant must:
- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond.
  - b. Submit a claims correspondence table in English;

- (4) Examination of the U.S. application has not begun;

- (5) Applicant must submit:
- a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;

- (6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

---

Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,297	10/09/2009	Jung Hoe Kim	1911.1251	8171

21171 7590 12/09/2011  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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VILLENA, MARK

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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12/09/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

In Re Application of:  
**KIM, JUNG HOE**, et al.  
Application Serial No. **12/588,297**  
Filed: **October 9, 2009**  
Attorney Docket Number: **1911.1251**  
For: **APPARATUS AND METHOD OF ENCODING  
AUDIO SIGNAL BY SWITCHING FREQUENCY  
DOMAIN TRANSFORMATION SCHEME AND TIME  
DOMAIN TRANSFORMATION SCHEME**

:  
:  
: **DECISION ON PETITION**  
: **TO ACCEPT COLOR**  
: **DRAWINGS**  
:  
:

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed October 9, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings, noted as figure 17 be accepted.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."*

There is no record of receipt of the necessary fee in the application file. Accordingly, the petition is **Dismissed**.

Petitioner may submit a request for reconsideration within **TWO MONTHS** of the date of this decision. Any request for reconsideration should include payment of the necessary fee.

Any inquiry regarding this decision should be directed to Daniel Swerdlow, Quality Assurance Specialist, at (571) 272-7531.

/ Daniel Swerdlow /

Daniel Swerdlow  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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Hunton & Williams LLP  
Qiagen Gaithersburg Inc.  
Intellectual Property Department  
2200 Pennsylvania Avenue, N.W.  
Washington, DC 20037

**MAILED**

SEP 29 2011

**OFFICE OF PETITIONS**

In re Application of	:
Self, et al.	:
Application No. 12/588,304	: DECISION ON PETITION
Filed: October 9, 2009	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 74708.000401	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 22, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the**

**benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1777 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

/ALESIA M. BROWN/

Alesia M. Brown  
Attorney Advisor  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt





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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/588,304	10/09/2009	1777	2896	74708.000401	48	4

**CONFIRMATION NO. 5568**

## CORRECTED FILING RECEIPT



OC000000050099726

88877

Hunton & Williams LLP  
Qiagen Gaithersburg Inc.  
Intellectual Property Department  
2200 Pennsylvania Avenue, N.W.  
Washington DC, DC 20037

Date Mailed: 09/29/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

Brian Austin Self, Germantown, MD;  
Fei Yin, North Potomac, MD;  
Carl Theodore Edens, Highland, MD;

**Power of Attorney:** The patent practitioners associated with Customer Number 88877

### Domestic Priority data as claimed by applicant

This appln claims benefit of 61/183,857 06/03/2009  
and claims benefit of 61/113,855 11/12/2008  
and claims benefit of 61/122,621 12/15/2008  
and claims benefit of 61/185,081 06/08/2009  
and claims benefit of 61/242,671 09/15/2009  
and is a CIP of 12/062,950 04/04/2008 PAT 7,985,375  
which claims benefit of 60/910,565 04/06/2007

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 10/27/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/588,304**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Automated assay and system

**Preliminary Class**

436

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON VA 20191

MAILED

OCT 06 2010

OFFICE OF PETITIONS

In re Application:	:	
Yamakose et al.	:	
Application No. 12/588,321	:	ON PETITION
Filed: October 13, 2009	:	
Attorney Docket No. 104-006	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,349	10/13/2009	Olivier Soula	138843	9958
7590 06/13/2011 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER CHANDRA, GYAN	
			ART UNIT	PAPER NUMBER
			1646	
			NOTIFICATION DATE	DELIVERY MODE
			06/13/2011	ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

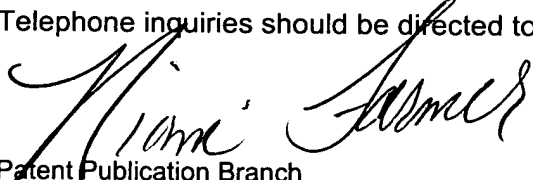
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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**AUG 09 2010**

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OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA VA 22320-4850

In re application of  
Wantanabe et al.  
Application No. 12/588,355  
Filed: October 13, 2009  
For: HYBRID VEHICLE

: **DECISION ON REQUEST TO**  
: **PARTICIPATE IN PATENT**  
: **PROSECUTION HIGHWAY**  
: **PROGRAM AND PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 15, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the preliminary amendment filed June 15, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

BM/BM: 08/09/10



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
Alexandria, VA. 22313-1450  
WWW.USPTO.GOV

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446

ARLINGTON, VA 22215

Date: March 07, 2011  
Application No. 12/588,371  
Filed: October 14, 2009  
Subject: **Oxidized lipids and uses thereof in the treatment  
of inflammatory diseases and disorders**

**ON PETITION**  
**37 CFR 1.48(a)**

Receipt is acknowledged of the petition filed on September 20, 2010 under 37 CFR 1.48(a) for correction of inventorship. The petition has been **GRANTED**.

In view of the papers filed, it has been found that during the prosecution of the instant application a restriction was required and therefore, not all of the inventors contributed to the invention as now claimed. Accordingly, this application has been changed by the **addition of the inventor Niva YACOV and Eti KOVALEVSKI-ISHAI. Now the inventorship of this application is: Dror HARATS, Jacob GEORGE, Gideon HALPERIN, Itzhak MENDEL, Niva YACOV and Eti KOVALEVSKI-ISHAI.** The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

BRANDON FETTEROLF  
United States Patent and Trademark Office  
Technology Center 1600  
SPE, ART UNIT 1628





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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,371	10/14/2009	Dror Harats	46643	2102

7590 05/12/2011  
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON, VA 22215

EXAMINER
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SHIAO, REI TSANG

ART UNIT	PAPER NUMBER
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1628

MAIL DATE	DELIVERY MODE
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05/12/2011

PAPER

## ACKNOWLEDGEMENT OF REQUEST

*Notice of Allowance/Allowability Mailed*

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101  
Application Assistance Unit  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

May 11, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON VA 22215

In re Application of	:	
Dror Harats, et al	:	<b>DECISION ON PETITION</b>
Application No. 12588371	:	
Filed: 10/14/2009	:	<b><i>ACCEPTANCE OF COLOR</i></b>
Attorney Docket No. 46643	:	<b><i>DRAWINGS</i></b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 14, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON VA 20191

**MAILED**

**OCT 12 2010**

**OFFICE OF PETITIONS**

In re Application of  
Yamakose, et al.  
Application No. 12/588,418  
Filed: October 15, 2009  
Attorney Docket No. 104-007

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



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POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

**MAILED**  
**FEB 17 2012**  
**OFFICE OF PETITIONS**

**In re Application of**  
**Takeshi SHIKIMACHI**  
**Application No.: 12/588,420**  
**Filed: October 15, 2009**  
**Attorney Docket No.: 01-1916**  
**For: Data Processing Apparatus**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 30, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition do not comply with the above requirement: (4). A notice of allowance was entered for the instant case on January 26, 2012.

Inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or to the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.



Anthony Knight  
Director  
Office of Petitions



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MODIANO & ASSOCIATE  
VIA MERAVIGLI, 16  
MILANO 20123  
ITALY

**MAILED**

**JAN 26 2011**

**OFFICE OF PETITIONS**

Applicant: Pinarello  
Appl. No.: 12/588,423  
Filing Date: October 15, 2009  
Title: TUBULAR FRAME FOR BICYCLES, PARTICULARLY WITH CLASSIC DIAMOND SHAPE  
Attorney Docket: E047821/DOB/mfc  
Pub. No.: US 2010/0096832 A1  
Pub. Date: April 22, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 21, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the title of the invention "TUBULAR FRAME FOR BICYCLE, PARTICULARLY WITH CLASSIC DIAMOND SHAPE" is misprinted as "TURBULAR FRAME FOR BICYCLE, PARTICULARLY WITH CLASSIC DIAMOND SHAPE".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The error on the front page of the publication wherein the title of the invention the word "TUBULAR" is misprinted as "TURBULAR" may be an Office error, but it is a not material Office error under 37 CFR 1.221(b). The error does not affect the understanding of the

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On November 10, 2009, a Filing Receipt was mailed by the Office, which improperly listed the title of the invention. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

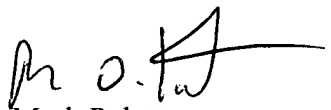
A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,436	10/15/2009	Sang-Hoon Yim	304/142	9540
7590 09/07/2010				
LEE & MORSE, P.C. 3141 FAIRVIEW PARK DRIVE SUITE 500 FALLS CHURCH, VA 22042				
EXAMINER				
HJERPE, RICHARD A				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
09/07/2010		PAPER		

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Betty Powell*

Patent Publication Branch  
Office of Data Management





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,486	10/16/2009	Trong Huu Tran	18113.020.00	7778
30827 7590 06/09/2011 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER DECADY, ALBERT	
			ART UNIT 2121	PAPER NUMBER
			MAIL DATE 06/09/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006

In re Application of:  
TRAN, Trong et al.  
Application No. 12/588,486  
Filed: October 16, 2009  
For: **CONTROLLER SYSTEM ADAPTED  
FOR SPA**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on October 16, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 22-50 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and was filed with three (3) sets of color drawing Figures 22-50. Paragraph [0006] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*/Eddie C. Lee*

Eddie C. Lee  
Quality Assurance Specialist, TC 2100



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,516	10/19/2009	Joo Hyun Kim	2336-697	1400
22429 7590 07/07/2011 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER HAROLD, JEFFEREY F	
			ART UNIT 2422	PAPER NUMBER
			MAIL DATE 07/07/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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COMMISSIONER FOR PATENTS  
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WASHINGTON, D.C. 20231  
www.uspto.gov

Benjamin J. Hauptman  
Lowe Hauptman Ham & Berner, LLP  
1700 Diagonal Road  
Suite 300  
Alexandria, VA 22314

MAILED

JUL 07 2011

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

In re Application of: )  
Kim et al )  
Application No. 12/588,516 )  
Attorney Docket No. 2336-697 )  
Filed: October 19, 2009 )  
For: APPARATUS AND METHOD FOR AUTO  
WHITE BALANCE CONTROL CONSIDERING  
THE EFFECT OF SINGLE TONE IMAGE

DECISION ON PETITION UNDER 37  
C.F.R. § 1.84(a) and (b) TO ACCEPT  
COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. 1.84(a)(2) and (b), filed October 19, 2009, requesting acceptance of color photographs.

The petition is **GRANTED**.

**REGULATIONS AND PRACTICE**

37 C.F.R. § 1.84(a)(2) states:

(2) *Color*. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

37 C.F.R. § 1.84(b) states:

*Photographs .—*

(1) *Black and white* . Photographs, including photocopies of photographs, are not ordinarily permitted in utility and design patent applications. The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention. For example, photographs or photomicrographs of: electrophoresis gels, blots (e.g., immunological, western, Southern, and northern), autoradiographs, cell cultures (stained and unstained), histological tissue cross sections (stained and unstained), animals, plants, in vivo imaging, thin layer chromatography plates, crystalline structures, and, in a design patent application, ornamental effects, are acceptable. If the subject matter of the application admits of illustration by a drawing, the examiner may require a drawing in place of the photograph. The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent.

(2) *Color photographs* . Color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied. See paragraphs (a)(2) and (b)(1) of this section.

**DECISION**

The petition and preliminary amendment, satisfies the conditions above; therefore, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of record.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-7527.

/Brian T. Pendleton/

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Brian T. Pendleton, SPE  
Technology Center 2400



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DW Sep-10

BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA VA 22313-1404

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :  
André Justin et al : DECISION ON PETITION  
Application No. 12/588,525 :  
Filed: October 19, 2009 :  
Atty Docket No. 0076970-000033 :

This is a decision on the petition filed July 6, 2010, entitled "PETITION PURSUANT TO 37 C.F.R. §§ 1.53, 1.57, AND 1.181 TO ACCORD THE CORRECT FILING DATE." The petition is being treated under 37 CFR 1.57(a), requesting that the above-identified application be accorded a filing date of October 19, 2009.

The petition is **GRANTED**.

On October 19, 2009, the instant application was deposited without drawings.

Accordingly, on May 18, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without drawings. The notice allowed a non-extendable period for reply of two-months from its mailing date.

The instant petition was filed on July 6, 2010, and is accompanied by a copy of the supplemental preliminary amendment filed on March 17, 2010, requesting entry of the omitted drawings found in application serial numbers 11/588,237; 10/718,264; and 09/514,245. A copy of the drawings was filed with the petition. A review of the application file reveals that the subject application incorporated by reference the prior-filed applications which contained the omitted drawings in the

preliminary amendment filed with the instant application on October 19, 2009.

Effective September 21, 2004, 37 CFR 1.57 allows a priority claim to a prior-filed application to be considered an incorporated by reference statement allowing for the incorporation of the prior filed application as to inadvertently omitted portion of the specification or drawings. When using 37 CFR 1.57, applicant's are required to amend the application to include the inadvertently omitted material, and supply a copy of the prior-filed application and identify where the inadvertently omitted portion of the drawings can be found in the prior-filed application.

It is noted that 37 CFR 1.57(a) indicates that if the application is not otherwise entitled to a filing date under 37 CFR 1.53(b), the amendment must be by way of the petition. This application was determined not to be entitled to a filing date. Accordingly, a petition is required to amend the application pursuant to 37 CFR 1.57.

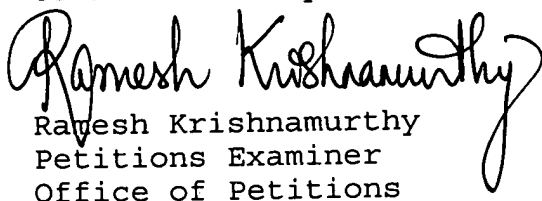
In view thereof, the petition under § 1.57(a) is GRANTED. The amendment will be entered in due course.

Further, the petition fee of \$400.00 submitted with the above petition on July 6, 2010, will not be refunded in this matter.

This application is being referred to the Office of Patent Application Processing (OPAP) for according of a filing date of October 19, 2009, using the application papers received in the Office on that date and the drawings submitted with the supplemental preliminary amendment on March 17, 2010, and for an indication in the records of the Office that the application contains twenty-nine(29) sheets of drawings (containing Figures 1-16).

The application is also referred to the Office of Patent Application Processing for further processing and the issuance of a corrected filing receipt.

Telephone inquiries specific to this decision should be directed to Karen Creasy at (571)272-3208.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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ALEXANDRIA VA 22313-1404

**MAILED**  
**DEC 01 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Jestin, et al. :  
Deposited: October 19, 2009 : ON PETITION  
Application No. 12/588,526 :  
Atty. Dkt. No.: 0076970-000034 :

The above-identified application has been referred to the Office of Petitions for consideration of the petition under 37 CFR 1.57(a) filed August 23, 2010, to accord the above-identified application a filing date of October 19, 2009.

The application was deposited October 19, 2009. The Notice of Incomplete Nonprovisional Application (Notice) mailed June 22, 2010 indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee).

The Notice further indicated that if the application contained a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application and applicants want to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicants must file a petition under 37 CFR 1.57(a) accompanied by the \$400.00 petition fee (37 CFR 1.17(f)) within TWO MONTHS of the date of this Notice.

Petitioner asserts that the drawings were inadvertently omitted upon submission of the application papers. However, petitioner indicates that the instant application claims the benefit of the prior applications set forth in the preliminary amendment accompanying the application papers submitted October 19, 2009. Petitioners further assert that the omitted drawings can be found in the referenced prior applications.

In accordance with 37 CFR 1.57 and MPEP 201.17, the following conditions and requirements need to be met for an applicant to add omitted material to an application pursuant to 37 CFR 1.57(a):

- (A) the application must have been filed on or after September 21, 2004;



- (B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;
- (C) a claim under 37 CFR 1.55 for priority of a prior filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;
- (D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;
- (E) applicant must file an amendment to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;
- (F) if the application is not otherwise entitled to a filing date, applicant must also file a petition and the amendment under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f);
- (G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
- (H) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and
- (I) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

The instant petition has been carefully reviewed and found in compliance with the requirements set forth herein.

In view thereof, the petition under 37 CFR 1.57(a) is hereby GRANTED.

Receipt is acknowledged of the required petition fee of \$400.00. As submission of the petition was not necessitated due to PTO error, the petition fee WILL NOT be refunded.

This application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of **October 19, 2009**.

Telephone inquiries related to this decision may be directed to the Petitions Attorney Alesia M. Brown at (571) 272-3205.



Chris Bottorff  
Supervisor  
Office of Petitions



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LEE & MORSE, P.C.  
3141 FAIRVIEW PARK DRIVE  
SUITE 500  
FALLS CHURCH VA 22042

MAILED

OCT 07 2011

OFFICE OF PETITIONS

In re Application of :  
Tae-Joung Kweon et al :  
Application No. 12/588,537 : DECISION GRANTING PETITION  
Filed: October 19, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 301/142 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 6, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on September 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2879 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **ARCE-0002-U01** Application Number (if known): **12/588,656** Filing date: **Oct. 22, 2009**

First Named Inventor: **Kedar Prasad Gupta**

Title: **Crystal Growing System and Method Thereof**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment for Application; Power of Attorney and Address Change

Signature **/David W. Okey/**

Date **December 7, 2010**

Name (Print/Typed) **David W. Okey**

Registration Number **42,959**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**Instruction Sheet for**  
**Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,656	10/22/2009	Kedar Prasad Gupta	ARCE-0002-U01	8186

87084	7590	01/12/2011
GTC Law Group LLP & Affiliates		
P.O. Box 113237		
Pittsburgh, PA 15241		

EXAMINER	
RAO, G NAGESH	

ART UNIT	PAPER NUMBER
1714	

NOTIFICATION DATE	DELIVERY MODE
01/12/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jsammartin@gtclawgroup.com  
jmonocello@gtclawgroup.com  
ryoung@gtclawgroup.com



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GTC Law Group LLP & Affiliates  
P.O. Box 113237  
Pittsburgh PA 15241

JAN 12 2011

In re Application of	:	
Gupta et al.	:	DECISION ON PETITION
Application No. 12/588,656	:	TO MAKE SPECIAL UNDER
Filed: 10/22/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. ARCE-0002-U01	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/7/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1714 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700





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WENDEROTH, LIND & PONACK, L.L.P.  
1030 15th Street, N.W.,  
Suite 400 East  
Washington DC 20005-1503

**MAILED**  
**OCT 27 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Ohmiya et al. : DECISION ON PETITION  
Application No. 12/588,671 :  
Deposited: October 23, 2009 :  
Atty Docket No. 2009\_1693 :

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION AND TO NOTICE DISMISSING PETITION" filed on August 5, 2010 requesting that the above-identified application be accorded a filing date of October 23, 2009. This petition is properly treated under 37 CFR 1.57.

The petition is dismissed.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

Application papers in the above-identified application were deposited on October 23, 2009. However, on November 16, 2009, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant the application had not been accorded a filing date because the application was deposited without drawings pursuant to 35 USC 113.

In response, applicants timely filed this petition. Applicants also request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78 to a prior filed and co-pending application (11/580,501) in which the inadvertently omitted drawings figures 1-9 are found.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but

the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

- (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
  - (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
  - (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
  - (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
- (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

It is noted that the application as filed included a claim under 1.78 for the benefit of prior-filed application No. 11/580,501. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted portion of the specification.

However, for an application filed on or after September 21, 2004, if the material needed for a filing date is completely contained within a prior-filed application to which benefit is claimed, applicant may file a petition under 37 CFR 1.57(a)(3) along with the fee set forth in 37 CFR 1.17(f) and an amendment with the inadvertently omitted material requesting that the amendment be

Petitioner has failed to provide a formal amendment seeking the entry of the drawings pursuant to 37 CFR 1.57(a)(1) and 37 CFR 1.121. The amendment cannot be part of the petition. In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office. Accordingly the petition is **DISMISSED**.

Further correspondence with respect to this matter should be addressed as follows:

By delivery service: U.S. Patent and Trademark Office  
(FedEx, UPS, DHL, etc.) Customer Service Window,  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Christopher Bottorff  
Supervisor  
Office of Petitions



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WENDEROTH, LIND & PONACK, L.L.P.  
1030 15th Street, N.W.,  
Suite 400 East  
Washington DC 20005-1503

**MAILED**

**MAR 24 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Ohmiya et al. : DECISION ON PETITION  
Application No. 12/588,671 :  
Deposited: October 23, 2009 :  
Atty Docket No. 2009\_1693 :

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION AND TO NOTICE DISMISSING PETITION" filed on December 27, 2010 requesting that the above-identified application be accorded a filing date of October 23, 2009. This petition is properly treated under 37 CFR 1.57.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on October 23, 2009. However, on November 16, 2009, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant the application had not been accorded a filing date because the application was deposited without drawings pursuant to 35 USC 113.

In response, applicants timely filed this petition. Applicants also request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78 to a prior filed and co-pending application (11/580,501) in which the inadvertently omitted drawings figures 1-9 are found.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely

contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

- (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
  - (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
  - (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
  - (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
- (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

It is noted that the application as filed included a claim under 1.78 for the benefit of prior-filed application No. 11/580,501. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted portion of the specification.


However, for an application filed on or after September 21, 2004, if the material needed for a filing date is completely contained within a prior-filed application to which benefit is claimed, applicant may file a petition under 37 CFR 1.57(a)(3) along with the fee set forth in 37 CFR 1.17(f) and an amendment with the inadvertently omitted material requesting that the amendment be entered and the application be accorded a filing date as of the original date of deposit of the application papers. See 37 CFR 1.57(a)(3) and MPEP § 201.17.

The instant petition includes an identification of where the inadvertently omitted drawing in the prior-filed application, along with the necessary petition fee.

In view thereof, the petition is **GRANTED** to the extent indicated above.

The application is being forwarded to the Office of Patent Application Processing for **according of a filing date of October 23, 2009**, using the application papers received in the Office on that date and the drawing submitted on August 5, 2010.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Charlema R. Grant at 571.272.3215.



Christopher Bottorff  
Supervisor  
Office of Petitions



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Paper No.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

**MAILED**  
**JAN 03 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Cates et al. : DECISION ON PETITION  
Application No. 12/588,699 :  
Filed: October 23, 2009 :  
Attorney Docket No. 11041.0004:  
-12000 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 24, 2010.

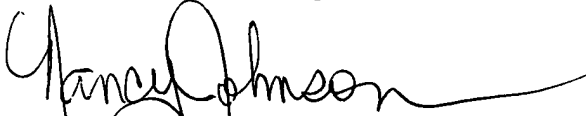
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Application mailed November 12, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received, the above-identified application became abandoned on January 13, 2010. A courtesy Notice of Abandonment was mailed on July 19, 2010.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition included the required reply in the form of an executed declaration, late surcharge, missing filing fee and substitute specification; the petition fee; and the required statement of unintentional delay.

The application file is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed September 24, 2010.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal flourish extending to the right.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions





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WENDEROTH, LIND & PONACK, L.L.P.  
1030 15TH Street, n.w.  
Suite 400 East  
Washington, dc 20005-1503

**MAILED**

**FEB 01 2011**

**OFFICE OF PETITIONS**

Applicants: Nirisen, et al.  
Appl. No.: 12/588,722  
Filing Date: October 26, 2009  
Title: CATALYST FOR DECOMPOSING NITROUS OXIDE AND METHOD FOR  
PERFORMING PROCESSES COMPRISING FORMATION OF NITROUS OXIDE  
Attorney Docket: 2009\_1696  
Pub. No.: US 2010/0098611 A1  
Pub. Date: April 22, 2010

This is a decision on the request for a corrected patent application publication under  
37 CFR 1.221(b), received on June 11, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent  
issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,734	10/27/2009	Kenji Nakamura	01-1915	5529
7590 12/22/2010 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			EXAMINER HJERPE, RICHARD A	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 12/22/2010	DELIVERY MODE PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/588,870	10/30/2009	Abdur Chowdhury	MJS-4922-6	6986
23117 7590 10/07/2010 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER VU, KIEU D	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 10/07/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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NIXON & VANDERHYE, PC  
901 North Glebe Road  
11<sup>th</sup> Floor  
Arlington VA 22203

In re Application of:  
CHOWDHURY, Abdur et al.  
Application No. 12/588,870  
Filed: October 30, 2009  
For: **SYSTEM AND METHOD FOR  
EVALUATING SENTIMENT**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the request for reconsideration of petition under 37 C.F.R. § 1.84(a)(2), filed on October 30, 2009 requesting acceptance of color drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee, three (3) copies of color drawings of Figures 2, 3, 5, 6, 9 and 10, and paragraph [0018] of the instant specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*/Eddie C. Lee*

Eddie C. Lee  
Quality Assurance Specialist, TC 2100



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RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20<sup>TH</sup> STREET N.W., SUITE 501  
WASHINGTON, DC 20036

In re Application of :  
Kouzou Mawatari et al :  
Application No. 12/588,891 :  
Filed: November 2, 2009 :  
Attorney Docket No. SEMICONDUCTOR :  
INTEGRATED CIRCUIT :

**MAILED**  
**MAY 02 2011**  
**OFFICE OF PETITIONS**  
**ON PETITION**

This is a decision on the petition, filed April 29, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on April 25, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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COOPER & DUNHAM, LLP  
30 ROCKEFELLER PLAZA  
20<sup>TH</sup> FLOOR  
NEW YORK NY 10112

**MAILED**  
JUL 21 2011  
**OFFICE OF PETITIONS**

In re Application of	:	
LEE	:	
Application No. 12/589,018	:	DECISION ON PETITION
Filed: October 16, 2009	:	TO WITHDRAW
Attorney Docket No. 6342/80974	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 27, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Norman H. Zivin on behalf of all the attorneys of record..

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

cc: CHUL-HEE LEE  
204 HYUNDAI 1-PARK APT. 302,  
SEO-WON MAEUL, SANG-HYUN DONG, SU-JI GU  
YONG-IN SI KYUNGGI-DO REP. OF KOREA



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/589,018	10/16/2009	Chul-hee Lee	6342/80974

**CONFIRMATION NO. 4259**

**POWER OF ATTORNEY NOTICE**



23432  
COOPER & DUNHAM, LLP  
30 Rockefeller Plaza  
20th Floor  
NEW YORK, NY 10112

Date Mailed: 07/21/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/589,025	Filing date:	October 16, 2009
First Named Inventor:	Martin Fornage		

Title of the Invention: METHOD AND APPARATUS FOR DETERMINING AN OPERATING VOLTAGE FOR PREVENTING PHOTOVOLTAIC CELL REVERSE BREAKDOWN DURING POWER CONVERSION

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS\\_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2009/061021

**The international date of the corresponding PCT application(s) is/are:**

October 16, 2009

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached

☒

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR  
IPEA**  
(continued)

(continued)

Application No.:	12/589,025
First Named Inventor:	Martin Fornage

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached



Has already been filed in the above-identified U.S. application on August 3, 2010

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

9

Are attached.



Have already been filed in the above-identified U.S. application on August 3, 2010

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Raymond R. Moser, Jr./	Date November 4, 2010
Name (Print/Typed) Raymond R. Moser, Jr.	Registration Number 34,682

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/589,025	10/16/2009	Martin Fornage	EE024	3341
54698 7590 11/30/2010 RAYMOND R. MOSER JR., ESQ. MOSER IP LAW GROUP 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702			EXAMINER SCHECHTER, ANDREW M	
			ART UNIT 2857	PAPER NUMBER
			MAIL DATE 11/30/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**RAYMOND R. MOSER JR., ESQ.  
MOSER IP LAW GROUP  
1030 BROAD STREET  
SUITE 203  
SHREWSBURY NJ 07702**

**In re Application of  
Martin FORNAGE**

**Application No.: 12/589,025**

**Filed: 16 October 2009**

**Attorney Docket No.: EE024**

**For: METHOD AND APPARATUS FOR  
DETERMINING AN OPERATING  
VOLTAGE FOR PREVENTING  
PHOTOVOLTAIC CELL REVERSE  
BREAKDOWN DURING POWER  
CONVERSION**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 05 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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BAYER HEALTHCARE LLC  
CONSUMER CARE DIVISION  
36 COLUMBIA ROAD  
MORRISTOWN, NJ 07962

**MAILED**

SEP 27 2010

**OFFICE OF PETITIONS**

In re Application of :  
Caroline Segond, et al. :  
Application No. 12/589,026 : **DECISION ON PETITION**  
Filed: October 16, 2009 :  
Attorney Docket No. BHC 07 1050 :

This is a decision on the petitions, filed August 13, 2010, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application, or in the alternative a petition under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**

**As to the petition under 37 CFR 1.181:**

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers (Notice) mailed November 13, 2009, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on July 21, 2010.

Petitioner asserts that the Office action dated November 13, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements.

Accordingly, absent the required evidence to establish non-receipt of the Office action of November 13, 2009, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

**As to the petition under 37 CFR 1.137(b):**

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$2350 extension of time fee submitted with the petition on August 13, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received August 13, 2010.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/589,033	10/16/2009	Christophe Pierrat	NMTI 1002-38	5880
30437 7590 09/27/2010 NUMERICAL C/O HAYNES BEFFEL & WOLFELD LLP PO BOX 366 HALF MOON BAY, CA 94019				
EXAMINER RUGGLES, JOHN S				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
09/27/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Mailed:

9/27/10

In re application of:

Pierrat et al.

Serial No.: 12/589,033

Filed: October 16, 2009

For: EXPOSURE CONTROL FOR PHASE SHIFTING  
PHOTOLITHOGRAPHIC MASKS

DECISION ON  
PETITION

This is a decision on the PETITION UNDER 37 C.F.R. 1.84(a)(2) TO ACCEPT COLOR DRAWINGS filed October 16, 2009. The petition includes (1) the fee as required by 37 CFR 1.17(h), (2) three sets of the color photographs, (3) an amendment to the specification which includes the language set forth in 37 CFR 1.84(a)(2)(iii), and (4) an explanation stating why color photographs are necessary.

A review of the application record indicates that all of the requirements for acceptance of color photographs have been met.

The Petition is **GRANTED**.

Mark F. Huff

Supervisory Patent Examiner  
Group Art Unit 1795

NUMERICAL  
C/O HAYNES BEFFEL & WOLFELD LLP  
PO BOX 366  
HALF MOON BAY CA 94019



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DIPAK R. BISWAS  
4 SADDLE HILL DRIVE  
NORTHBOROUGH, MA 01532

**MAILED**

**OCT 18 2010**

In re Application of

Dipak R. Biswas

Application No. 12/589,080

Filed: October 19, 2009

Attorney Docket No.

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 30, 2010, to make the above-identified application special based on applicant's age and health as set forth in M.P.E.P. § 708.02, Section IV and Section III.

The petition is **DISMISSED**.

As to applicant's age, a grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

As to applicant's health, a grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required.

The instant petition does not include the above requirement(s).

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450


By hand:                 U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By FAX:                 (571) 273-8300

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2121 for action in its regular turn.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**ROBIN D. ANDREWS**  
**23 ANSON STREET**  
**CHARLESTON, SC 29401**

**MAILED**  
**APR 12 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
<b>Robin D. ANDREWS</b>	:	
Application No. 12/598,082	:	DECISION ON PETITION
Filed: October 19, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 25, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the certification of inventor Robin Douglas Andrews, attesting to his or her age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center. Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ROBIN D. ANDREWS  
23 ANSON STREET  
CHARLESTON, SC 29401

**MAILED**

SEP 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Robin D. Andrews	:	
Application No. 12/589,082	:	DECISION ON PETITION
Filed: October 19, 2009	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2011, supplemented April 5, 2011, April 7, 2011 and June 7, 2011, to revive the above-identified application.


The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 25, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3633 for appropriate action by the Examiner in the normal course of business on the reply received March 25, 2011.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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**CLIFFORD G. FRAYNE  
136 DRUM POINT RD  
SUITE 7A  
BRICK NJ 08723**

**MAILED  
MAY 19 2011  
OFFICE OF PETITIONS**

In re Application of	:	
John Tsakiris	:	
Application No. 12/589,086	:	DECISION ON PETITION
Filed: October 19, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 949-001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 10, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by inventor John Tsakiris, attesting to his/her age. The photocopy of driver's license was not legible. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3743 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/589,102	10/16/2009	Marc Friedfertig	0116506 / 0565243	1161
26874 7590 12/20/2011 FROST BROWN TODD LLC 3300 Great American Tower 301 East Fourth Street CINCINNATI, OH 45202			EXAMINER PATS, JUSTIN	
			ART UNIT 3623	PAPER NUMBER
			NOTIFICATION DATE 12/20/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@fbtlaw.com





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DEC 20 2011

FROST BROWN TODD, LLC  
2200 PNC Center  
201 E. Fifth Street  
Cincinnati, OH 45202

In re application of	:	<b>DECISION ON PETITION</b>
Marc Friedfertig et al.	:	<b>TO ACCEPT COLOR DRAWINGS</b>
Application No. 12/589,102	:	<b>UNDER 37 C.F.R. SECTION 1.84(a)(2)</b>
Filed: October 16, 2009	:	
For: SEMI-AUTOMATED RECIPROCAL	:	
SCHEDULING	:	

This is a decision on the petition filed on October 16, 2009 requesting acceptance of color drawings under 37 C.F.R. Section 1.84(a)(2).

The petition to accept color drawings is **GRANTED**.

The petition requests that the United States Patent and Trademark Office accept color drawings in lieu of black and white drawings for several Figures, specifically, Figures 3a through 3j-2 and 4a through 4b. Applicant states that color drawings are necessary because they may be critical to understanding the interfaces used in the illustrated embodiment for interacting with users.

37 C.F.R Section 1.84, Standards for Drawings, sets forth the following:

§ 1.84 Standards for drawings.

(a) Drawings . There are two acceptable categories for presenting drawings in utility and design patent applications.

(1) Black ink . Black and white drawings are normally required. India ink, or its equivalent that secures solid black lines, must be used for drawings; or

(2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention

registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:  
The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Applicant's petition properly includes (i) the fee set forth in Section 1.17(h), (ii) three (3) sets of color drawings, and (iii) the required language in the first paragraph of the brief description of the drawings. Further, it is found that color drawings are the only practical medium for disclosing the subject matter to be patented in Figures 3a through 3j-2 and 4a through 4b. Therefore, the color drawings of Figures 3a through 3j-2 and 4a through 4b have been accepted.

The petition is **GRANTED**.

Telephone inquiries should be directed to Beth V. Boswell, Supervisory Patent Examiner, at (571) 272-6737.



Beth V. Boswell  
Supervisory Patent Examiner, Art Unit 3623  
Patent Technology Center 3600  
(571) 272-6737



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**HARNES, DICKEY & PIERCE, P.L.C.**  
**P.O. BOX 828**  
**BLOOMFIELD HILLS MI 48303**

**MAILED**  
**MAR 30 2012**  
**OFFICE OF PETITIONS**

**In re Application of  
KAMIOKA**

**Application No.: 12/589,107**

**Filed: October 16, 2009**

**Attorney Docket No.: 4041P-000142/US**

**For: LIGHT SOURCE**

**DISCRIMINATING APPARATUS, A**

**LIGHT SOURCE DISCRIMINATING...**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 27, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**DISCUSSION**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or

- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
- 2. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 3. Examination of the U.S. application has not begun;
- 4. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
- 5. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application is being referred to the examiner for action on the merits commensurate with this decision.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions



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Charles C. Valauskas  
VALAUSKAS & PINE, LLC  
Suite 620, 150 South Wacker Drive  
Chicago IL 60606

**MAILED**  
**SEP 10 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
MALACKOWSKI et al.	:	DECISION ACCORDING STATUS
Application No. 12/589,113	:	UNDER 37 CFR 1.47(a)
Filed: 10/16/2009	:	
Title: SYSTEM AND METHOD FOR	:	
MANAGING INTELLECTUAL PROPERTY-	:	
BASED RISKS	:	

This is in response to the petition under 37 CFR 1.47(a) filed March 23, 2010.

The petition under 37 CFR 1.47(a) is granted.

Applicants established that they provided a complete copy of the application to the non-signing inventor. However, the non-signing inventor constructively refused to join in the application.

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office finance records reveal that applicant overpaid the amount due for the petition fee by \$600.00. This amount will be refunded in due course.

The matter is being forwarded to the Technology Center Art Unit 3693 for examination in due course.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

*Christina T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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Michael O. Hill  
2300 Wisconsin Avenue, NW, Suite 300  
Washington, DC 20007

**MAILED**

**SEP 10 2010**

**OFFICE OF PETITIONS**

In re Application of :  
MALACKOWSKI et al. :  
Application No. 12/589,113 : LETTER  
Filed: 10/16/2009 :  
Title: SYSTEM AND METHOD FOR :  
MANAGING INTELLECTUAL PROPERTY- :  
BASED RISKS :

Dear Mr. Hill:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

Charles C. Valauskas  
VALAUSKAS & PINE, LLC  
Suite 620  
150 South Wacker Drive  
Chicago IL 60606



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CHARLES C. VALAUSKAS  
VALAUSKAS & PINE, LLC  
SUITE 620  
150 SOUTH WACKER DRIVE  
CHICAGO IL 60606

**MAILED**

JAN 06 2012

**OFFICE OF PETITIONS**

In re Application of  
MALACKOWSKI, et al.  
Application No. 12/589,113  
Filed: October 16, 2009  
Attorney Docket No. 7870/24

:  
:  
: DECISION ON REQUEST FOR REFUND  
:  
:

This is a decision on the Request For Refund filed December 28, 2011.

The request is **DISMISSED**.

Applicant files the above request for refund of \$600.00 that was overpaid for the petition fee on March 5, 2010.

The request for refund is dismissed because Office finance records show that all three \$200.00 credit card sales were refunded back to Charles C. Valauskas credit card on September 10, 2010.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/589,154	10/19/2009	John Frederick Brady	JB10200	3813
23843	7590	05/24/2011		
FOOTHILL LAW GROUP 777 N. FIRST STREET, SUITE 325 SAN JOSE, CA 95112			EXAMINER WIECZOREK, MICHAEL P	
			ART UNIT 1712	PAPER NUMBER
			MAIL DATE 05/24/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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MAY 24 2011

Mailed:

In re application of

Brady

Serial No. 12/589,154

Filed: July 25, 2006

For: **METHODS AND COMPOSITIONS FOR  
AMPLIFICATION OF TERRESTRIAL ALBEDO**

DECISION ON  
PETITION

This is a decision on the PETITION UNDER 37 CFR 1.181 to the Group Director to withdraw the Finality of the Office Action dated February 23, 2011.

On May 9, 2011, the instant petition under 37 CFR 1.181 was filed.

**DECISION**

Rule 1.181, Section (f) states:

§ 1.181 Petition to the Commissioner.

(f) Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable

Accordingly, the instant petition is **DISMISSED**.

Karen M. Young, Director  
Technology Center 1700  
Chemical and Materials Engineering

wk

John F. Brady  
FOOTHILL LAW GROUP  
777 N. FIRST STREET, SUITE 325  
SAN JOSE CA 95112



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/589,154	10/19/2009	John Frederick Brady	JB10200	3813
23843	7590	10/12/2011		
FOOTHILL LAW GROUP 777 N. FIRST STREET, SUITE 325 SAN JOSE, CA 95112			EXAMINER WIECZOREK, MICHAEL P	
			ART UNIT	PAPER NUMBER
			1712	
			MAIL DATE	DELIVERY MODE
			10/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents  
United States Patent and Trademark Office  
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OCT 12 2011

Mailed:

In re application of

Brady

Serial No. 12/589,154

Filed: October 19, 2009

For: **METHODS AND COMPOSITIONS FOR  
AMPLIFICATION OF TERRESTRIAL ALBEDO**

:  
DECISION ON  
: PETITION  
:

This is a response to Applicants Petition filed on July 25, 2011 requesting entry of the declaration filed on June 27, 2011.

The Examiner issued a Final Office Action on February 23, 2011. In an Advisory Office Action dated 5/20/11, the Examiner requested that "*applicant provide evidence or an explanation on why these practices would constitute common knowledge*".

Applicant provided the requested evidence as a Declaration on 6/27/11. The Examiner initially refused entry. However, upon further consideration, the Examiner entered the declaration per the Advisory Action of 8/16/11.

#### DECISION

The Petition has been GRANTED.

The Examiner has entered and considered the declaration.

Karen M. Young, Director  
Technology Center 1700  
Chemical and Materials Engineering

wk

John F. Brady  
FOOTHILL LAW GROUP  
777 N. FIRST STREET, SUITE 325  
SAN JOSE CA 95112

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12589243	
Filing Date	20-Oct-2009	
First Named Inventor	Thomas Coghill	
Art Unit	3611	
Examiner Name	WESLEY POTTER	
Attorney Docket Number	2009-EZCoilPAT	
Title	Energy coil system for vehicles	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Tom Coghill	
Address	133 SE 18TH AVE	
City	Deerfield Beach	
State	FL	
Postal Code	33441-4534	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Bambi Faivre Walters/
Name	Bambi Faivre Walters
Registration Number	45197



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 17, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Thomas Coghill

ATTORNEY/AGENT OF RECORD

Application No : 12589243

Filed: 20-Oct-2009

Attorney Docket No : 2009-EZCoilPAT

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 17, 2012

The request is **APPROVED**

The request was signed by Bambi Faivre Walters (registration no. 45197 ) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name Tom Coghill  
Name2  
Address 1 133 SE 18TH AVE  
Address 2  
City Deerfield Beach  
State FL  
Postal Code 33441-4534  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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[www.uspto.gov](http://www.uspto.gov)

April 6, 2011

CHRISTIE, PARKER & HALE, LLP  
PO BOX 7068  
PASADENA CA 91109-7068

In re Application of	:	
Gross, Adam F. et al	:	<b>DECISION ON PETITION</b>
Application No. 12/589,262	:	
Filed: 10/20/2009	:	<b><i>ACCEPTANCE OF COLOR</i></b>
Attorney Docket No.64512/H611	:	<b><i>DRAWINGS</i></b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 20, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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STEPHEN D. CARVER  
SUITE 800  
2024 ARKANSAS VALLEY DRIVE  
LITTLE ROCK AR 72212-4147

**MAILED**  
**FEB 10 2012**  
**OFFICE OF PETITIONS**

In re Application of  
SEGAL, et al  
Application No. 12/589,277  
Filed: October 21, 2009  
Attorney Docket No. 9772-P

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2012.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. 37 CFR 3.71 states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement of noncompliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to a review of USPTO records, UTIQUE, Inc., has not filed a proper Statement under 37 CFR 3.73(b) in the instant application. In this regard, the Office cannot change the correspondence address to the address indicated on the Request to Withdraw filed January 23, 2012.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.



Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: UTIQUE, INC.  
2448 LARKIN STREET  
SAN FRANCISCO CA 94109



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Cha & Reiter, LLC  
17 Arcadian Avenue  
Suite 208  
Paramus NJ 07652

**MAILED**  
**FEB 22 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Moon et al. :  
Application No. 12/589,340 : **ON PETITION**  
Filed: 10/22/2009 :  
Attorney Docket Number: 5000-1-1270 :

This is in response to the PETITION UNDER 37 CFR 1.84 FOR FORMAL COLOR DRAWINGS, filed in the United States Patent and Trademark Office (USPTO) on October 22, 2009, which is treated as a petition under 37 CFR 1.84(a)(2).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;<sup>1</sup>
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

<sup>1</sup> The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention sought to be patented, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2875.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
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**John Yen kai Pun**  
**USPS**  
**P.O. Box 1747**  
**Coos Bay OR 97420**

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
John Yen kai Pun	:	
Application No. 12/589,344	:	DECISION ON PETITION
Filed: October 21, 2009	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed November 12, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 13, 2010. A Notice of Abandonment was mailed on July 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement claims, (2) the petition fee of \$810, (3) a proper statement of unintentional delay. Accordingly the replacement claims are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received August 9, 2010.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/589,351	10/22/2009	Qigui Wang	P008777-PTC-CHE	5563
75510 7590 05/02/2011 DINSMORE & SHOHL LLP FIFTH THIRD CENTER ONE SOUTH MAIN STREET, SUITE 1300 DAYTON, OH 45402			EXAMINER	
			ART UNIT	PAPER NUMBER
			2123	
			NOTIFICATION DATE	DELIVERY MODE
			05/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JOHN.REED@DINSLAW.COM  
alicia.pickering@dinslaw.com  
beth.bane@dinslaw.com



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DINSMORE & SHOHL LLP  
FIFTH THIRD CENTER  
ONE SOUTH MAIN STREET, SUITE 1300  
DAYTON OH 45402

In re Application of:  
WANG, Qigui et al.  
Application No. 12/589,351  
Filed: October 22, 2009  
For: **SYSTEMS AND METHODS FOR  
PREDICTING HEAT TRANSFER  
COEFFICIENTS DURING QUENCHING**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on October 22, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figure 3 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and was filed with three (3) sets of color drawing Figure 3. Paragraph [0007] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*/Eddie C. Lee*

Eddie C. Lee  
Quality Assurance Specialist, TC 2100

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/589,356	Filing date:	21 October 2009
First Named Inventor:	Jesse McVan		
Title of the Invention:	BOXING EXERCISE DEVICE		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFSS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/002798

**The international filing date of the corresponding PCT application(s) is/are:**  
20 October 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/589,356

First Named Inventor: Jesse McVan

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**



Is attached



Has already been filed in the above-identified U.S. application on \_\_\_\_\_

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**



Are attached.



Have already been filed in the above-identified U.S. application on \_\_\_\_\_

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	considered to be novel under PCT Article 33(2) and to involve an inventive step
2	2	dependant on claim 1 and meets the requirements of PCT Article 33(2) and (3)
3	3	dependant on claim 1 and meets the requirements of PCT Article 33(2) and (3)
4	4	dependant on claim 1 and meets the requirements of PCT Article 33(2) and (3)
5	5	dependant on claim 1 and meets the requirements of PCT Article 33(2) and (3)
6	6	dependant on claim 1 and meets the requirements of PCT Article 33(2) and (3)
7	7	dependant on claim 1 and meets the requirements of PCT Article 33(2) and (3)
8	8	dependant on claim 1 and meets the requirements of PCT Article 33(2) and (3)
9	9	considered to be novel under PCT Article 33(2) and to involve an inventive step
10	10	dependant on claim 9 and meets the requirements of PCT Article 33(2) and (3)
11	11	dependant on claim 9 and meets the requirements of PCT Article 33(2) and (3)
12	12	dependant on claim 9 and meets the requirements of PCT Article 33(2) and (3)

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Robert M. Downey/

Date August 8, 2011

Name (Print/Typed) Robert M. Downey

Registration Number 33684



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/589,356	10/21/2009	Jesse McVan	MCVMPA309	8978
45486 7590 09/12/2011 ROBERT M. DOWNEY, P.A. 6751 N. FEDERAL HWY., SUITE 300 BOCA RATON, FL 33487			EXAMINER QUINN, RICHAE LEE	
			ART UNIT	PAPER NUMBER
			3765	
			MAIL DATE	DELIVERY MODE
			09/12/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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ROBERT M. DOWNEY, P.A.  
6751 N. FEDERAL HWY., SUITE 300  
BOCA RATON FL 33487

In re Application of	:	
MCVAN, JESSE	:	DECISION ON REQUEST TO
Application No. 12/589,356	:	PARTICIPATE IN PATENT
Filed: October 21, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. MCVMPA309	:	PROGRAM AND PETITION
For: BOXING EXERCISE DEVICE	:	TO MAKE SPECIAL UNDER
		37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 08, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Gary Welch, SPE of Art Unit 3765, and 571-272-4996 for Class 002 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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EUGENE LIEBERSTEIN  
2151 LONG RIDGE ROAD  
STAMFORD, CT 06903

**MAILED**

**OCT 25 2010**

**OFFICE OF PETITIONS**

In re Application of  
Elaine A. Blechman  
Application No. 12/589,378  
Filed: October 22, 2009  
Attorney Docket No.: PROAPP

ON PETITION

This is a decision in response to the petition, filed August 25, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. Alternatively, petitioner requests revival under the provisions of 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed November 12, 2009. The notice required, within two months, replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 and a new oath or declaration under 37 CFR 1.63. A Notice of Abandonment was mailed on July 19, 2010.

Petitioner asserts that the Notice of November 12, 2009 was not received. In support petitioner submits a copy of "the application file jacket showing no mail was received from the USPTO form the date of filing the CIP application on October 22, 2009 for docketing on the file jacket."

A review of the written record indicates no irregularity in the mailing of the Notice on November 12, 2009, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar, reminder system, or the individual docket record for the application in question.

The instant petition does not establish non-receipt of the Notice in compliance with the procedures set for at MPEP 711.03(c). Specifically, the petition does not describe the system used for recording an Office action received at the correspondence address of record, nor does practitioner provide an explanation of how responses are tracked such as incoming mail log, calendar or reminder system. Lastly, there is no statement establishing the reliability of the docketing system used. Absent the required evidence to establish non-receipt of the Office action of November 12, 2009, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

A decision on the petition under 37 CFR 1.137(b) follows.

The petition under 37 CFR 1.137(b) is **DISMISSED** because it is unsigned. It appears that the petition was intended to be signed by the attorney of record, Eugene Lieberstein.

37 CFR 1.33(b) states that:

Amendments and other papers filed in the application must be signed by:

- (1) An attorney or agent of record appointed in compliance with §1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.34(a);
- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

- (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or
- (5) All of the applicants (§§ 1.42, 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks the unintentional delay statement noted in item (3) since the petition containing the statement of unintentional delay is not signed.

This decision is made without prejudice to reconsideration. However, any request for reconsideration under 37 CFR 1.137(b) must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and any omissions noted above.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

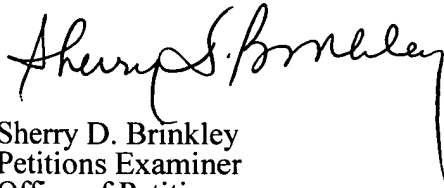
By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

By Internet:                EFS-Web1

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1 [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with a long vertical line extending downwards from the end.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

EUGENE LIEBERSTEIN  
2151 LONG RIDGE ROAD  
STAMFORD, CT 06903

**MAILED**

**DEC 16 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Elaine A. Blechman	:	
Application No. 12/589,378	:	ON PETITION
Filed: October 22, 2009	:	
Attorney Docket No.: PROAPP	:	

This is a decision on the renewed petition, filed November 8 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed November 12, 2009, requiring replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) and an oath or declaration under 37 CFR 1.63. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 13, 2010. A Notice of Abandonment was mailed on July 19, 2010. On November 8, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings and a declaration under 37 CFR 1.63; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing of the response filed August 25, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

LAW OFFICE OF ROBERT C. KLINGER  
2591 DALLAS PARKWAY  
SUITE 300  
FRISCO, TX 75034

**MAILED**

**AUG 17 2010**

In re Application of  
Joseph Hui, et al.  
Application No. 12/589,448  
Filed: October 23, 2009  
Attorney Docket No. Nuon 010

: OFFICE OF PETITIONS  
:  
: DECISION ON PETITION  
:  
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed November 23, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the complete reply received July 15, 2010.



April M. Wise  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
KODA/ANDROLIA  
10<sup>TH</sup> FLOOR  
865 S. FIGUEROA STREET  
LOS ANGELES CA 90017

**MAILED**

**FEB 18 2011**

**OFFICE OF PETITIONS**

In re Patent No. 7,851,347 :  
Issue Date: December 14, 2010 :  
Application No. 12/589,482 :  
Filed: October 21, 2009 :  
Attorney Docket No. 22932/85A 4261 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 1, 2010.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : September 2, 2011

In re Application of :

Mary Rogone

Application No : 12589514

Filed : 28-Apr-2009

Attorney Docket No : 1083-003.101

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 2, 2011

The request is **APPROVED**.

The request was signed by Howard J. Klein (registration no. 28727 ) on behalf of all attorneys/agents associated with Customer Number 22145 . All attorneys/agents associated with Customer Number 22145 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Caring Creations, Inc.  
Name2 Philip N. Rogone  
Address 1 17229 Lemon Street  
Address 2 Suite E-7  
City Hesperia  
State CA  
Postal Code 92345  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12589514	
Filing Date	28-Apr-2009	
First Named Inventor	Mary Rogone	
Art Unit	3764	
Examiner Name	CATHARINE ANDERSON	
Attorney Docket Number	1083-003.101	
Title	DEVELOPMENTALLY DESIGNED DIAPER	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		22145 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Caring Creations, Inc. Philip N. Rogone	
Address	17229 Lemon Street Suite E-7	
City	Hesperia	
State	CA	
Postal Code	92345	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

/HJK/

Name

Howard J. Klein

Registration Number

28727



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Alan Cooper, PC  
P.O. Box 743933  
Dallas TX 75374

**MAILED**

OCT 11 2011

OFFICE OF PETITIONS

In re Application of  
Daniel C. Spencer et al.  
Application No. 12/589,534  
Filed: February 23, 2009  
Attorney Docket No. **GGI-011**

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 28, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Alan A.R. Cooper on behalf of all attorneys of record who are associated with Customer Number 93649.

All attorneys/agents associated with Customer Number 93649 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.



The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: Giga Industries, Inc.  
2413 S. Shiloh Road  
Garland, TX 75041



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/589,534	02/23/2009	David C. Spencer	GGI-011

93649  
Alan Cooper, PC  
P.O. Box 743933  
Dallas, TX 75374

**CONFIRMATION NO. 6112**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 10/11/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/28/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/223,099	07/06/2009	Robert Novak	77682-666

**CONFIRMATION NO. 7118**

**CONVERSION REQUEST**



AIR MAIL  
626  
NORTEL NETWORKS LIMITED  
3500 CARLING AVENUE  
OTTAWA, ON K2H 8E9  
CANADA

Date Mailed: 08/09/2010

**DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL**

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **07/06/2010**, to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/589,546**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

---

JANICE L TIPPETT  
Office of Patent Application Processing (OPAP)  
(571) 272-4200, or 1-888-786-0101



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3500 CARLING AVENUE  
OTTAWA ON K2H 8E9 CA  
CANADA

**MAILED**

**JAN 25 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Novak, et al.	:	
Application No. 12/589,546	:	DECISION
Filed: 6 July, 2009	:	ON PETITION
Attorney Docket No. 77682-674	:	

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 6 July, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to a prior-filed application; alternatively pursuant to 37 C.F.R. §1.182 for invocation of supervisory authority and pursuant to 37 C.F.R. §1.183 to waive requirements under the Rules of Practice.

**NOTE:**

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The petition pursuant to 37 C.F.R. §1.78(a)(3) is **DISMISSED**; the petition(s) pursuant to 37 C.F.R. §1.182 for invocation of supervisory authority and pursuant to 37 C.F.R. §1.183 to waive requirements under the Rules of Practice are **DISMISSED** as inappropriate.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
  - (2) the surcharge set forth in 37 C.F.R. §1.17(t); and
  - (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional.
- The Director may require additional information where there is a question whether the delay was unintentional.

In the instant matter, the period set forth in the regulations at 37 C.F.R. §1.78(a)(5)(ii) did not expire—thus, the petition was unnecessary.

The regulations at 37 C.F.R. §1.182 provide:

**§ 1.182 Questions not specifically provided for.**

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in §1.17(f).

The regulations at 37 C.F.R. §1.183 provide:

**§ 1.183 Suspension of rules.**

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in §1.17(f).

Thus, a petition pursuant to: 37 C.F.R.:

- §1.182 is appropriate in a context for which there is no other route or alternative for remedy; and
- §1.183 is appropriate in a context in which “an extraordinary situation, when justice requires [a] requirement of the regulations \*\*\* which is not a requirement of the statutes [to be] suspended or waived \*\*\*.”

Application No. 12/589,546

This is not either such context. The Rules of Practice provide a remedy for claiming priority pursuant to the regulations at 37 C.F.R. §1.78 at the time of conversion, which has been exercised. Also, the instant matter does not arise as "an extraordinary situation."

Accordingly, the petition pursuant to 37 C.F.R. §1.78(a)(3) is **dismissed as moot**; the petition(s) as considered pursuant to 37 C.F.R. §1.182 and §1.183 is (are) **dismissed** as inappropriate.

It does not appear that a fee was charged. If, upon review, Petitioner finds that the fee was charged, Petitioner should request a refund of the Office of Finance and include therewith a copy of this petition.

This matter is released to the Office of Patent Application Processing (OPAP) for further processing as required in due course.

Any inquiries concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Chris Bottorff  
Supervisory Petitions Examiner  
Office of Petitions

CC  
SMART & BIGGAR  
P.O. BOX 2999 STATION D  
55 METCALFE STREET/SUITE 900  
OTTAWA, ONTARIO  
CANADA K1P 5Y6



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900-55 METCALFE STREET  
OTTAWA ON K1P 5Y6 CA CANADA

**MAILED**  
**AUG 02 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Novak, et al.  
Application No. 12/589,546  
Filed: 6 July, 2009  
Attorney Docket No. 77682-674

DECISION  
ON PETITION

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 8 June, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to a prior-filed application;.

The petition pursuant to 37 C.F.R. §1.78(a)(3) is **DISMISSED**.

A petition for acceptance of a claim for late priority pursuant to 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in 37 C.F.R. §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This is the second time that Petitioner seeks to advance his petition.

The original petition (then, alternatively pursuant to 37 C.F.R. §1.182 for invocation of supervisory authority and pursuant to 37 C.F.R. §1.183 to waive requirements under the

Application No. 12/589,546

Rules of Practice) was dismissed on 25 January, 2011, because, as the Office stated at that time: "In the instant matter, the period set forth in the regulations at 37 C.F.R. §1.78(a)(5)(ii) did not expire—thus, the petition was unnecessary."<sup>1</sup>

Once again Petitioner seeks relief—here pursuant to 37 C.F.R. §1.78(a)(3).

The record reflects as follows:

- Petitioner filed Provisional Application No. 61/078,562 on 7 July, 2008;
- Petitioner filed Provisional Application No. 61/223,099 on 6 July, 2009;
- On 6 July, 2010, Petitioner filed a petition to convert Provisional Application No. 61/223,099 to a nonprovisional application—and filed therewith a preliminary amendment claiming priority to Provisional Application No. 61/078,562;

---

<sup>1</sup> The discussion therein continued:

The regulations at 37 C.F.R. §1.182 provide:

**§ 1.182 Questions not specifically provided for.**

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in §1.17(f).

The regulations at 37 C.F.R. §1.183 provide:

**§ 1.183 Suspension of rules.**

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in §1.17(f).

Thus, a petition pursuant to: 37 C.F.R.:

- §1.182 is appropriate in a context for which there is no other route or alternative for remedy; and
- §1.183 is appropriate in a context in which "an extraordinary situation, when justice requires [a] requirement of the regulations \*\*\* which is not a requirement of the statutes [to be] suspended or waived \*\*\*."

Clearly this is not either such context—the Rules of Practice provide a remedy pursuant to the regulations at 37 C.F.R. §1.78, and the instant matter certainly does not arise as "an extraordinary situation."

Accordingly, the petition pursuant to 37 C.F.R. §1.78(a)(3) is dismissed as moot; the petition(s) as considered pursuant to 37 C.F.R. §1.182 and §1.183 is (are) dismissed as inappropriate.



Application No. 12/589,546

- On 9 August, 2010, the Office granted Petitioner's 6 July, 2010, request to convert and captured and inserted the claim of priority to Provisional Application No. 61/078,562;
- On 9 August, 2010, and again on 22 December, 2010, the Office mailed a filing receipt reflecting the foregoing history as to the filing date of the instant application and the claim of priority to Provisional Application No. 61/078,562.

The request for relief sought by Petitioner is unnecessary because—as evidenced in the filing receipts issued on 9 August, 2010, and again on 22 December, 2010, the Office acknowledged the priority claim Petitioner now seeks to make.

The instant petition is **dismissed as moot**, and the fee is refunded *via* deposit account. Should Petitioner later find that the fee was not refunded, Petitioner should make a request for refund from the Office of Finance and provide therewith a copy of this decision.

This matter is released to the Office of Patent Application Processing (OPAP) for further processing as required in due course.

Any inquiries concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



for Anthony Knight  
Director  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/223,148	07/06/2009	Jun Yuan	81749-122

**CONFIRMATION NO. 7337**

**CONVERSION REQUEST**



\*OC000000042970074\*

AIR MAIL  
626  
NORTEL NETWORKS LIMITED  
3500 CARLING AVENUE  
OTTAWA, ON K2H 8E9  
CANADA

Date Mailed: 08/09/2010

**DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL**

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **07/06/2010**, to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/589,547**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

---

JANICE L TIPPETT  
Office of Patent Application Processing (OPAP)  
(571) 272-4200, or 1-888-786-0101



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OTTAWA ON K2H 8E9 CA  
CANADA

**MAILED**

**JAN 24 2011**

**OFFICE OF PETITIONS**

In re Application of  
Yuan, et al.  
Application No. 12/589,547  
Filed: 6 July, 2009  
Attorney Docket No. 81749-122

DECISION  
ON PETITION

This is a decision on the petition pursuant to 37 C.F.R. §1.78(a)(3), filed 6 July, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to a prior-filed application; alternatively pursuant to 37 C.F.R. §1.182 for invocation of supervisory authority and pursuant to 37 C.F.R. §1.183 to waive requirements under the Rules of Practice.

**NOTE:**

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The petition pursuant to 37 C.F.R. §1.78(a)(3) is **DISMISSED**; the petition(s) pursuant to 37 C.F.R. §1.182 for invocation of supervisory authority and pursuant to 37 C.F.R. §1.183 to waive requirements under the Rules of Practice are **DISMISSED** as inappropriate.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

Application No. 12/589,547

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
  - (2) the surcharge set forth in 37 C.F.R. §1.17(t); and
  - (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional.
- The Director may require additional information where there is a question whether the delay was unintentional.

In the instant matter, the period set forth in the regulations at 37 C.F.R. §1.78(a)(5)(ii) did not expire—thus, the petition was unnecessary.

The regulations at 37 C.F.R. §1.182 provide:

**§ 1.182 Questions not specifically provided for.**

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in §1.17(f).

The regulations at 37 C.F.R. §1.183 provide:

**§ 1.183 Suspension of rules.**

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in §1.17(f).

Thus, a petition pursuant to: 37 C.F.R.:

- §1.182 is appropriate in a context for which there is no other route or alternative for remedy; and
- §1.183 is appropriate in a context in which “an extraordinary situation, when justice requires [a] requirement of the regulations \*\*\* which is not a requirement of the statutes [to be] suspended or waived \*\*\*.”

Application No. 12/589,547

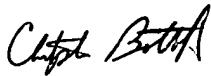
This is not either such context. The Rules of Practice provide a remedy for claiming priority pursuant to the regulations at 37 C.F.R. §1.78 at the time of conversion, which has been exercised. Also, the instant matter does not arise as "an extraordinary situation."

Accordingly, the petition pursuant to 37 C.F.R. §1.78(a)(3) is **dismissed as moot**; the petition(s) as considered pursuant to 37 C.F.R. §1.182 and §1.183 is (are) **dismissed** as inappropriate.

It does not appear that a fee was charged. If, upon review, Petitioner finds that the fee was charged, Petitioner should request a refund of the Office of Finance and include therewith a copy of this petition.

This matter is released to the Office of Patent Application Processing (OPAP) for further processing as required in due course.

Any inquiries concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Chris Bottorff  
Supervisory Petitions Examiner  
Office of Petitions

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**MAILED**

DEC 21 2011

**OFFICE OF PETITIONS**

In re Application of  
Yuan, et al.  
Application No. 12/589,547  
Filed: 6 July, 2009  
Attorney Docket No. 81749-122

DECISION  
ON PETITION

This is a decision on the petition pursuant to 37 C.F.R. §1.78(a)(6), filed 8 June, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to a prior-filed application.

The petition pursuant to 37 C.F.R. §1.78(a)(6) is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(5)(ii). In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. §119(e) and 37 C.F.R. §1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in 37 C.F.R. §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A petition previously was filed on 6 July, 2010, in the alternative—including therein requests for relief pursuant to 37 C.F.R. §1.182 and §1.183, as well as the regulations at pursuant to 37 C.F.R. §1.78.

In the decision of 24 January, 2011, the Office reminded Petitioner that the petitions pursuant to 37 C.F.R. §1.182 and §1.183 were inappropriate because relief was available pursuant to the regulations at 37 C.F.R. §1.78(a)(3).

Application No. 12/589,547

The Office further informed Petitioner that the petition pursuant to the regulations at 37 C.F.R. §1.78 was moot because the time period set forth as a threshold in the regulation had not expired.

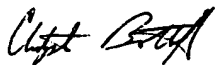
What the Office did not expressly state at that time was that the Office in fact had captured and recorded the referenced priority claim to Application No. 61/223,148, which priority claim is recognized as having been made on the filing date of later filed application 12/589,547. This condition also rendered the matter moot, and so the petition was unnecessary.

Accordingly, the petition pursuant to 37 C.F.R. §1.78(a)(6) is **dismissed as moot**.

The fee charged is refunded to Petitioner's deposit account. If, upon review, Petitioner finds that the fee was not refunded, Petitioner should request a refund of the Office of Finance and include therewith a copy of this petition.

This matter is released to Technology Center AU 2618 for further processing as required in due course.

Any inquiries concerning this decision may be directed to John Gillon, attorney, at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/222,947	07/03/2009	Robert Novak	92074-141

**CONFIRMATION NO. 6746**

**CONVERSION REQUEST**



\*OC000000042972934\*

AIR MAIL  
626  
NORTEL NETWORKS LIMITED  
3500 CARLING AVENUE  
OTTAWA, ON K2H 8E9  
CANADA

Date Mailed: 08/09/2010

**DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL**

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **07/06/2010**, to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/589,548**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

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JANICE L TIPPETT  
Office of Patent Application Processing (OPAP)  
(571) 272-4200, or 1-888-786-0101





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**JUL 28 2011**

**OFFICE OF PETITIONS**

NORTEL NETWORKS LIMITED  
3500 CARLING AVENUE  
OTTAWA ON K2H 8E9 CA CANADA

In re Application of :  
Novak :  
Application No. 12/589,548 : DECISION ON PETITION  
Filed: July 3, 2009 : UNDER 37 CFR 1.78(a)(6)  
Attorney Docket No. 92074-141 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed June 10, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected**

**Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2473 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
12/589,548	07/03/2009	2473	1220	92074-141	1	1

**CONFIRMATION NO. 6746**

**CORRECTED FILING RECEIPT**



OC000000048917326

626  
NORTEL NETWORKS LIMITED  
3500 CARLING AVENUE  
OTTAWA, ON K2H 8E9  
CANADA

Date Mailed: 07/22/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Robert Novak, Ottawa, CANADA;

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 61/078,525 07/07/2008

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 07/24/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/589,548**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

METHOD FOR CONTROL SIGNALING FOR GROUP OF USERS USING MS ASSIGNMENT  
INDEX

**Preliminary Class**

370

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/223,096	07/06/2009	Mo-Han Fong	19586ROUS03P

**CONFIRMATION NO. 7107**

**CONVERSION REQUEST**



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Date Mailed: 08/10/2010

**DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL**

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **07/06/2010**, to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **12/589,549**. The filing receipt for the non-provisional application number will be mailed to the applicant by OPAP in due course.

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JANICE L TIPPETT  
Office of Patent Application Processing (OPAP)  
(571) 272-4200, or 1-888-786-0101



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**MAILED**

**MAY 06 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Mo-Han Fong, et al. :  
Application No. 12/589,549 : **DECISION ON PETITIONS**  
Filed: July 6, 2009 : **UNDER 37 CFR 1.78(a)(3) AND**  
Attorney Docket No. 77682-675 /slr : **37 CFR 1.183**

This is a decision on the petitions under 37 CFR 1.182, filed July 6, 2010, which is properly treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment, and under 37 CFR 1.183 to waive the requirements of 37 CFR 1.78(a)(5) and (6).

The petition under 37 CFR 1.78(a)(6) is **DISMISSED**.

The petition under 37 CFR 1.183 is **DISMISSED**.

**WITH RESPECT TO THE PETITION UNDER 37 CFR 1.78(a)(6):**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition lacks item (3) above.

37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the petition does not contain a proper statement, the petition cannot be granted at the present time.

**WITH RESPECT TO WAIVER OF 1.78(a)(5) and (6)**

Petitioner requests under 37 CFR 1.183 waiver of the applicable surcharge under 37 CFR 1.78(a)(5) and (6) for the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 119(e). In this regard, petitioner states that this is an extraordinary situation where waiver is justified since the submission of the priority claim did not become possible until the filing of the Request for Conversion of the subject application into a nonprovisional application.

**APPLICABLE RULE**

37 CFR 1.78(a)(5) and (6) provide that:

- (5)(i) Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed provisional applications must contain or be amended to contain a reference to each such prior-filed provisional application, identifying it by the provisional application number (consisting of series code and serial number).
- (ii) This reference must be submitted during the pendency of the later-filed application. If the later-filed application is an application filed under 35 U.S.C. 111(a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed provisional application. If the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed provisional application. These time periods are not extendable. Except as provided in paragraph(a)(6) of this section, the failure to timely submit the reference is considered a waiver of any benefit under 35 U.S.C. 119(e) to such prior-filed provisional application. The time periods in this paragraph do not apply if the later-filed application is:
  - (A) An application filed under 35 U.S.C. 111(a) before November 29, 2000; or
  - (B) A nonprovisional application which entered the national stage after compliance with 35 U.S.C. 371 from an international application filed under 35 U.S.C. 363 before November 29, 2000.



(iii) If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title.

(iv) If the prior-filed provisional application was filed in a language other than English and both an English-language translation of the prior-filed provisional application and a statement that the translation is accurate were not previously filed in the prior-filed provisional application, applicant will be notified and given a period of time within which to file, in the prior-filed provisional application, the translation and the statement. If the notice is mailed in a pending nonprovisional application, a timely reply to such a notice must include the filing in the nonprovisional application of either a confirmation that the translation and statement were filed in the provisional application, or an amendment or Supplemental Application Data Sheet withdrawing the benefit claim, or the nonprovisional application will be abandoned. The translation and statement may be filed in the provisional application, even if the provisional application has become abandoned.

119(e) and paragraph (a)(5) of this section is presented in a nonprovisional application after the time period provided by paragraph (a)(5)(ii) of this section, the claim under 35 U.S.C. 119(e) for the benefit of a prior filed provisional application may be accepted during the pendency of the later-filed application if the reference identifying the prior-filed application by provisional application number was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application must be accompanied by:

(i) The reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section to the prior-filed provisional application, unless previously submitted;

(ii) The surcharge set forth in § 1.17(t); and

(iii) A statement that the entire delay between the date the claim was due under paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

(b) Where two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application.

(c) If an application or a patent under reexamination and at least one other application naming different inventors are owned by the same person and contain conflicting claims, and there is no statement of record indicating that the claimed inventions were commonly owned or subject to an obligation of assignment to the same person at the time the later invention was made, the Office may require the assignee to state whether the claimed inventions were commonly owned or subject to an obligation of assignment to the same

person at the time the later invention was made, and if not, indicate which named inventor is the prior inventor. Even if the claimed inventions were commonly owned, or subject to an obligation of assignment to the same person, at the time the later invention was made, the conflicting claims may be rejected under the doctrine of double patenting in view of such commonly owned or assigned applications or patents under reexamination.

37 CFR 1.183 states that:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

### OPINION

In order to grant any petition under 37 CFR 1.183, petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985). Petitioner has not shown that either condition exists in this case.

The circumstances of this case do not demonstrate an extraordinary situation, much less one where justice requires waiver of the rules. Petitioner's contention that 37 CFR 1.78(a)(5) and (6) be waived because the benefit claim could not have been filed earlier is without merit. It is of no moment that the benefit claim could not have been made earlier because petitioner chose to file the instant application as a provisional rather than a nonprovisional application. Therefore, the failure to timely submit the claim for priority of the earlier application within the time period set forth in 37 CFR 1.78(a)(5) and (6) was a circumstance entirely within petitioner's control, and could have been avoided by the exercise of reasonable care and diligence. Equitable powers should not be invoked to excuse the performance of a condition by a party that has not acted with reasonable, due care and diligence. U.S. v. Lockheed Petroleum Services, 709 F.2d 1472, 1475 (Fed. Cir. 1983). Furthermore, since the USPTO did not cause or contribute to petitioner's filing delay, this case is even further removed from consideration as one where "justice requires" equitable relief. See Helfgott & Karras, P.C. v. Dickinson, 209 F.3d 1328, 54 USPQ2d 1425 (Fed. Cir. 2000).

Circumstances resulting from petitioners', or petitioners' counsel's, failure to exercise due care, or lack of knowledge of, or failure to properly apply, the patent statutes or rules of practice are not, in any event, extraordinary circumstances where the interests of justice require the granting of relief. See, In re Tetrafluor, Inc., 17 USPQ2d 1160, 1162 (Comm'r Pats. 1990); In re Bird & Son, Inc. 195 USPQ 586, 588 (Comm'r Pats. 1977).

However, failure to know and properly apply the rules of practice before the USPTO is not a basis for seeking waiver of the rules under 1.183. Furthermore, extraordinary relief will not be considered where the rules of practice already provide an avenue for relief. It is brought to petitioner's attention that the USPTO will not normally consider an extraordinary remedy, when the rules already provide an avenue for obtaining the relief sought. See Cantello v. Rasmussen, 220 USPQ 664, 664 (Comm'r Pat. 1982). Here, petitioner could have originally filed the application under 35 U.S.C. 111(a). Further in this regard, a standard principle of statutory construction is: *expressio unius est exclusio alterius* (the mention of one thing implies exclusion of another thing), namely absent legislative intent to the contrary, when a statute expressly provides a specific remedy for a specific situation, the statute is deemed to exclude other remedies for such situation. See National R.R. Passenger Corp. v. National Ass'n Of R.R. Passengers, 414 U.S. 453, 458 (1974); see also Botany Worsted Mills v. United States, 278 U.S. 282, 289 (1929) ("when a statute limits a thing to be done in a particular mode, it includes the negative of any other mode"). That is, the patent statute at 35 U.S.C. § 120 (and its promulgating regulation 37 CFR 1.78) provides a specific mechanism whereby an applicant may petition the USPTO to correct a priority claim. Since there is a specific mechanism in place to remedy the requested relief then it is inappropriate for the USPTO to contemplate circumventing that mechanism by creating another remedy.

As authorized, the \$1410 fee required by 37 CFR 1.78(a)(6)(ii) will be charged to petitioner's Deposit Account No. 14-1315.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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P.O. BOX 2999, STATION D  
900-55 METCALFE STREET  
OTTAWA ON K1P 5Y6 CA CANADA

MAILED

JUL 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Mo-Han Fong, et al.	:	
Application No. 12/589,549	:	DECISION ON PETITION
Filed: July 6, 2009	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 77682-675 /slr	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed May 2, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

It is noted that petitioner filed a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.78(a)(5) and (6) previously filed July 6, 2010 that was never charged. The required fee for the filing of this petition is \$400 which is now being charged to petitioner's deposit account.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, was previously mailed January 7, 2011.

Any inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2456 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

/dab/

David Bucci  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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Andrew Kegler  
CTO Ergonomics LLC  
926 Watson Street  
Ripon WI 54971

**MAILED**

**FEB 14 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Andrew Kegler	:	
Application No. 12/589,561	:	ON PETITION
Filed: October 26, 2009	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed November 13, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification, (2) the petition fee of \$810 (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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DTW Sep-11

SMITH, GAMBRELL & RUSSELL  
1130 CONNECTICUT AVENUE, N.W., SUITE 1130  
WASHINGTON DC 20036

**MAILED**

**SEP 19 2011**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Boisivon et al.	:	
Application No. 12/589,621	:	<b>DECISION ON PETITION</b>
Filed: August 3, 1999	:	
Attorney Docket No.	:	
032301.027	:	

This is a decision on the request for reconsideration of petition, filed on January 26, 2010, which is treated as a renewed petition under 37 CFR 1.53(e) to accord the above-identified application a filing date of August 3, 1999.

The petition is **GRANTED**.

Petitioners again assert that the above-identified application was filed on August 3, 1999, but was subsequently lost in the U.S. Patent and Trademark Office. In support, on December 4, 2009, petitioners presented, with the original petition, a return receipt postcard bearing a USPTO "Office-date" stamp dated August 03, 1999. The postcard itemized the filing of, *inter alia*, "New Application, 15 sheets of text, Declaration." The postcard identifies the application by, *inter alia*, application title, third named inventor's name, and invention title, and was accompanied by accompanied by 13 pages of specification, including three (3) pages containing 14 claims, plus one (1) page containing the abstract. Two pages of unexecuted oath or declaration were also supplied. On December 4, 2009, the original petition was dismissed. On January 26, 2010, the subject renewed petition was filed.

Upon review of the record, no pages of specification deposited on August 3, 1999, have been located among the application papers. However, upon review, the evidence is convincing that the application papers deposited on August 3, 1999, included 15 pages of application papers, which were subsequently misplaced in the USPTO. Therefore, the application, including 15 pages, was

complete on filing and entitled to a filing date of August 3, 1999.<sup>1</sup>

The application will be reprocessed with a filing date of August 3, 1999, using the copy of 10 pages of specification, three (3) pages containing claims, and one (1) page containing the abstract supplied with the original petition as the original disclosure.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of August 3, 1999, using the copy of 10 pages of specification, three (3) pages containing claims, and (1) page containing the abstract supplied with the initial petition.

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Cc: SMITH GAMBRELL & RUSSELL, LLP  
1230 PEACHTREE ST, NE  
SUITE 3100, PROMENADE II  
ATLANTA GA 30309

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<sup>1</sup> A review of the official file reveals that 14 pages of the application (specification, including the claims and an abstract), were supplied on September 29, 2009. As such, it is obvious that the application as deposited consisted of 14 rather than 15 pages. However, since the individual at the USPTO who compared petitioners' postcard to the items received found that the application as filed contained at least 15 pages, the evidence is persuasive that 14 pages the application were among the application papers received on August 3, 1999, but were subsequently misplaced in the U.S. Patent and Trademark Office.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/589,672	10/27/2009	Haruo Oba	SONYJP 3.0-2049	4450
530 7590 05/18/2011 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER HJERPE, RICHARD A	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 05/18/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090

In re Application of	:	
Oba, Haruo et al.	:	DECISION ON REQUEST TO
Application No. 12/589,672	:	PARTICIPATE IN PATENT
Filed: October 27, 2011	:	PROSECUTION HIGHWAY
Attorney Docket No. <b>SONYJP 3.0-2049</b>	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 07, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-7272.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/John Peng/

---

John Peng  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/589,694	10/26/2009	Aladar A. Szalay	33316.04802.US28 /4802H	8673
13565 7590 07/20/2011 McKenna Long & Aldridge LLP 4435 Eastgate Mall Suite 400 San Diego, CA 92121			EXAMINER BLUMEL, BENJAMIN P	
			ART UNIT 1648	PAPER NUMBER
			MAIL DATE 07/20/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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McKenna Long & Aldridge LLP  
4435 Eastgate Mall  
Suite 400  
San Diego CA 92121

In re Application of:  
Szalay et al.  
Serial No.: 12/589,694  
Filed: October 29, 2009  
Attorney Docket No: **33316.04802.US28**  
**/4802H**

:  
:  
: PETITION DECISION  
:  
:

This is in response to the petition filed on July 5, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on January 13, 2010, and June 8, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on January 13, 2010, and June 8, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on January 13, 2010, and June 8, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (January 13, 2010, "Transmittal Letter" of 19 pages, and June 8, 2011, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of January 13, 2010, and June 8, 2011.

## **DECISION**

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



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**FEB 27 2012**

**OFFICE OF PETITIONS**

CHRISTIE PARKER & HALE LLP  
PO BOX 29001  
GLENDALE CA 91209-9001

In re Application of	:	DECISION
Kim, et al.	:	ON PETITION
Application No. 12/589,750	:	
Filed: October 27, 2009	:	ACCEPTANCE OF
Attorney Docket Number: 63462/L550	:	COLOR PHOTOGRAPHS

This is in response to the petition under 37 CFR 1.84, filed October 27, 2009, for acceptance of color photographs for Figures 8A and 8B.

The petition is **GRANTED**.

37 CFR 1.84(b)(2) states that color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied under 37 CFR 1.84(a)(2) and 37 CFR 1.84(b)(1).

A grantable petition under 37 C.F.R. 1.84(a)(2) to accept color drawings must be accompanied by the following:

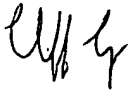
- (1) The fee set forth in 37 C.F.R. 1.17(h);
- (2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- (3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

Lastly, 37 CFR 1.84(b)(1) states that the Office will accept photographs when the photographs are the "only practical medium for illustrating the claimed invention."

Here, the petition was accompanied by the required fee and drawings. The specification contains the appropriate language. Therefore, the petition is granted.

The application is being forwarded to Group Art Unit 2889.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo'.

Cliff Congo  
Petitions Attorney  
Office of Petitions





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WILSON, SONSINI, GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO, CA 94304-1050

**MAILED**

SEP 27 2010

**OFFICE OF PETITIONS**

In re Application of	:	
Brian J. Goldsmith, et al.	:	
Application No. 12/589,806	:	DECISION ON PETITION
Filed: October 27, 2009	:	
Attorney Docket No. 29954-704.201	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 13, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is \$1620. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.


Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS
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	Alexandria, VA 22313-1450

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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-1642.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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**NOV 24 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Brian J. Goldsmith, et al. :  
Application No. 12/589,806 : **DECISION ON PETITION**  
Filed: October 27, 2009 :  
Attorney Docket No. 29954-704.201 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 8, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

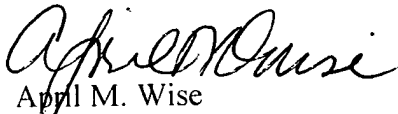
The application became abandoned for failure to reply in a timely manner to the Notice of Incomplete Reply (Notice), mailed, June 25, 2010, which continued to run from the date of the Notice to File Corrected Application Papers mailed November 17, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the oath /declaration, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination of the reply received August 13, 2010.

A handwritten signature in black ink, appearing to read "April M. Wise". The signature is fluid and cursive, with the first name "April" and last name "Wise" clearly distinguishable.

April M. Wise  
Petitions Examiner  
Office of Petitions



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PERKINS COIE LLP  
P.O. BOX 1208  
SEATTLE WA 98111-1208

**MAILED**

SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Cole	:	
Application No. 12/589,807	:	DECISION ON PETITION
Filed: October 27, 2009	:	TO WITHDRAW
Attorney Docket No. 72546-8001.US01	:	FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 6, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

A handwritten signature in cursive script that reads "Terri Johnson".

Terri Johnson  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ALLEN SHAY  
SUITE 260  
202 S. LAKE AVENUE  
PASADENA CA 91101

**MAILED**  
**OCT 22 2010**  
**OFFICE OF PETITIONS**

In re Application of  
Allen Bernard Shay  
Application No. 12/589,813  
Filed: October 29, 2009  
Title of Invention: SMART LIGHT

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),<sup>1</sup> filed September 23, 2010 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned January 20, 2010, for failure to timely reply to the Notice to File Corrected Application Papers mailed on November 17, 2009, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained prior to the abandonment. Accordingly, a Notice of Abandonment was mailed July 23, 2010.

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<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

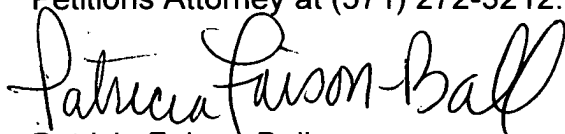
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Receipt of the replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121, replacement claims in compliance with 37 CFR 1.75(h) and 37 CFR 1.121, as well as a replacement abstract as required by 37 CFR 1.72(b) and 37 CFR 1.121 and a new Declaration is acknowledged.

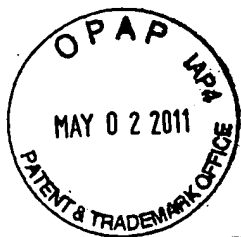
The application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions





Docket No.: 13024-312US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Junichi KOIKE et al.

Serial No.: 12/589,849

Filed: October 28, 2009

Title: METHOD FOR FORMING COPPER  
INTERCONNECTION STRUCTURES

Art Unit: 3729

Examiner: Donghai D NGUYEN

Confirmation No.: 1006

San Diego, California  
May 2, 2011

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REISSUANCE OF THE OFFICE COMMUNICATION**

Dear Sir or Madam:

Applicant respectfully requests a reissuance of the Office Action of Nonprovisional Application mailed on April 11, 2011.

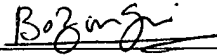
Attached please find a Certification and Request for Relief Due to Events of March 11, 2011, in Japan (PTO/SB/425).

Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

May 2, 2011

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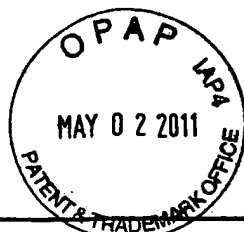
Respectfully submitted,



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Shirin Bozorgui  
Attorney for Applicant(s)  
Reg. No. 62,313

c/o Masuvalley & Partners  
8765 Aero Drive, Suite 312  
San Diego, California 92123  
Telephone No.: (858) 715-6858



**CERTIFICATION AND REQUEST  
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable): 12/589,849	Patent Number (if applicable):
First Named Inventor: Junichi KOIKE	Title of Invention: METHOD FOR FORMING COPPER INTERCONNECTION STRUCTURES

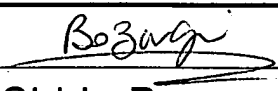
**APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE  
FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.**

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
  - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
  - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
  - c. The statutory or non-statutory time period set for response has not yet expired.
  - d. Withdrawal and reissuance of the Office communication is requested.
  - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
  - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
  - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
  - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
  - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.



**CERTIFICATION AND REQUEST  
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- a. The maintenance fee payment was required to have been paid after March 10, 2011.
  - b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
  - c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
  - e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
  - f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
  - g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
  - b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
  - d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date May 2, 2011
Name (Print/Typed) <b>Shirin Bozorgui</b>	Practitioner Registration Number <b>62,313</b>
<b>Note:</b> Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	



**Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan**

The United States Patent and Trademark Office (USPTO) considers the effects of the earthquake and resulting tsunami in Japan on March 11, 2011, to be an "extraordinary situation" within the meaning of 37 CFR 1.183 and 37 CFR 2.146 for affected patent and trademark applicants, patentees, reexamination parties, and trademark owners. Since this catastrophic event occurred outside the United States and did not result in a postal service interruption in the United States Postal Service, the USPTO has no authority to designate a postal service emergency as authorized by 35 U.S.C. 21(a).

For patent applications and reexamination proceedings pending in the USPTO as of March 11, 2011, having one or more inventors, an assignee, or a correspondence address in areas of Japan affected by the earthquake and tsunami, in which a reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding, and for which the statutory or non-statutory time period set for response has not yet expired, the USPTO will, on applicant's request, or a reexamination party's request, withdraw the Office communication and reissue it. The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956). The request must be made by using form PTO/SB/425 (when available) or by making a request accompanied by a copy of this notice. The inclusion of a copy of this notice will be treated as a representation that the need for the reissuance of the Office communication was due to the effects of the earthquake and resulting tsunami of March 11, 2011. The request should be sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Form PTO/SB/425 will be available in EFS-Web and on the USPTO Web site at <http://www.uspto.gov/forms/index.jsp>. The use of form PTO/SB/425 is encouraged to facilitate processing of the request.

For patentees who were unable to timely pay a patent maintenance fee due to the effects of the earthquake and resulting tsunami on March 11, 2011, the USPTO will waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee and the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment when the patentee files the maintenance fee payment with a petition to accept a delayed maintenance fee under 37 CFR 1.378(c). *See* 37 CFR 1.183.

Patentees who seek to pay a maintenance fee during the six-month grace period following the window to pay the maintenance fee with a request to waive the surcharge in 37 CFR 1.20(h), must mail the payment and request to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or via facsimile to: 571-273-6500.

The request must be made by using form PTO/SB/425 (when available) or by making a request accompanied by a copy of this notice. The inclusion of a copy of this notice with the payment of the maintenance fee during the grace period will be treated as a representation that the late payment of the fee was due to the effects of the earthquake and tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.20(h). This waiver may only be appropriately requested where the original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011, and the delay in paying the fee was due to the effects of the earthquake and tsunami of March 11, 2011.

The USPTO advises patentees who need to file a petition to accept a delayed maintenance fee payment due to the effects of the earthquake and tsunami of March 11, 2011, where the maintenance fee payment was required to have been paid after March 10, 2011, to promptly file a petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – **Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))**) accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)) and either a copy of this notice or form PTO/SB/425. The inclusion of a copy of this notice will be treated as a representation that the delay in payment of the maintenance fee was due to the effects of the earthquake and resulting tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.20(i). The petition must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

Patentees are reminded that a petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c). A petition to accept a delayed maintenance fee payment filed later than twenty-four months after the expiration date of the patent must be filed under 37 CFR 1.378(b) and include a showing that the delay in payment was unavoidable. A petition to accept a delayed maintenance fee payment due to the effects of the earthquake and tsunami may be submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

For applicants who file a nonprovisional application on or after March 11, 2011, and prior to April 12, 2011, without an executed oath or declaration or payment of the basic filing fee, search fee, and/or examination fee due to the earthquake and tsunami of March 11, 2011, the USPTO will waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee. Patent applicants seeking waiver of the surcharge must include either form PTO/SB/425 or a copy of this notice, along with the executed oath or declaration or the basic filing fee,

search fee, or examination fee. The inclusion of a copy of this notice will be treated as a representation that the late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.16(f). The reply to the Notice to File Missing Parts requiring the oath or declaration or the filing fees may be submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patent-related inquiries concerning this notice may be directed to the Office of Patent Legal Administration at (571) 272-7704 ((571) 272-7703 for reexamination), or by e-mail at [PatentPractice@uspto.gov](mailto:PatentPractice@uspto.gov).

For trademark applications and registrations with a correspondence or owner address in areas of Japan affected by the earthquake and tsunami as of March 11, 2011, in which an Office action (final, non-final, or other), a notice of allowance, or other Office notice requiring a response (hereinafter collectively referred to as "Office communication") is outstanding, the USPTO will, upon request, withdraw the Office communication and reissue it. The request must be made prior to the deadline for responding to the Office communication, and indicate that the need for the reissuance of the Office communication is due to the effects of the earthquake and resulting tsunami of March 11, 2011. The request should be sent via e-mail to [TMFeedback@uspto.gov](mailto:TMFeedback@uspto.gov) or by mail to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451. If necessary, changes of correspondence address should be provided.

For trademark applications and registrations with a correspondence or owner address in areas of Japan affected by the earthquake and tsunami as of March 11, 2011, that were abandoned or cancelled due to inability to timely respond to a trademark-related Office communication due to the effects of the earthquake and resulting tsunami on March 11, 2011, the USPTO will waive the petition fee (set by regulation, rather than statute) to revive the abandoned application or cancelled registration. Either a petition by regular mail to the address set forth in the preceding paragraph, or the Trademark Electronic Application System (TEAS) "Request for Reinstatement" form should be used, and must include a verified statement that the failure to respond to the Office communication was due to the effects of the earthquake and resulting tsunami.

Trademark-related inquiries concerning this notice may be directed to the Trademark Office of Petitions by telephone at (571) 272-8950, by facsimile at (571) 273-8950, or by e-mail at [TMFeedback@uspto.gov](mailto:TMFeedback@uspto.gov).

The USPTO cannot grant waivers or extensions of dates or requirements set by statute. For example, the following patent-related time periods cannot be extended by the Director: (1) the period set forth in 35 U.S.C. 119(a)-(d) to file a nonprovisional patent application claiming the benefit of a prior-filed foreign application; (2) the twelve-month time period set forth in 35 U.S.C. 119(e) during which a nonprovisional application claiming the benefit of a prior filed provisional application must be filed in order to

obtain benefit of the provisional application's filing date; (3) the copendency requirement of 35 U.S.C. 120 between a parent application which issues as a patent and a later filed child application, which requires that the child application be filed prior to issuance of the parent application; (4) the three-month time period to pay the issue fee set forth in 35 U.S.C. 151; (5) the 35 U.S.C. 304 two-month time period from the date of patentee service, for a requester to file, in an *ex parte* reexamination, a reply to a statement filed by the patentee; and (6) the 35 U.S.C. 314(b)(2) thirty-day time period from the date of service, for a requester to file, in an *inter partes* reexamination, written comments addressing issues raised by an Office action or the patentee's response to the action. The following statutory trademark-related time periods cannot be extended and statutory fees cannot be waived by the Director: (1) the 36-month period set forth in 15 U.S.C. 1051(d) within which a statement of use must be filed and the associated fee(s); (2) the periods set forth in 15 U.S.C. 1058, 1141(k) for filing affidavits of continued use or excusable nonuse and the associated fee(s); (3) the period set forth in 15 U.S.C. 1059 for filing a renewal and the associated fee(s); and (4) the periods set forth in 15 U.S.C. 1063 and 1064 for filing an opposition or cancellation proceeding at the Trademark Trial and Appeal Board.

Date:

3/17/11

  
David J. Kappos

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MASUVALLEY & PARTNERS  
8765 AERO DRIVE  
SUITE 312  
SAN DIEGO CA 92123

**MAILED**  
**MAY 20 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Junichi KOIKE et al. :  
Application No. 12/589,849 : **DECISION ON PETITION**  
Filed: October 28, 2009 :  
Attorney Docket No.: 13024-312US :

This is a decision on the request filed May 2, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011), ("OG Notice").

The request for relief is **DISMISSED**.

As set forth in the OG Notice, an Office action or notice will be re-mailed and the period for response will be restarted if:

- (1) The patent application or reexamination proceeding is pending in the USPTO as of March 11, 2011, and a reply to an Office action (final, non-final, or other), a notice of allowance, or other Office notice is outstanding as of March 11, 2011;
- (2) One or more inventors, an assignee or a correspondence address is in the area of Japan affected by the earthquake and resultant tsunami of March 11, 2011;
- (3) The period for response has not yet expired; and
- (4) Applicant requests relief. The request must be made by using the form PTO/SB/425 or be accompanied by a copy of the announcement.

The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956). The use of the form PTO/SB/425 or the inclusion of a copy of the announcement will be treated as a representation that the need for the

reissuance of the Office communication was due to the effects of the earthquake and resulting tsunami of March 11, 2011.

The instant request is dismissed since it lacks item(s) (1). Applicant is requesting a "reissuance of the Office Action of Nonprovisional Application mailed on April 11, 2011." However, a response to the Office action in question was not outstanding as of March 11, 2011, as required by the OG Notice. Accordingly, the request is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

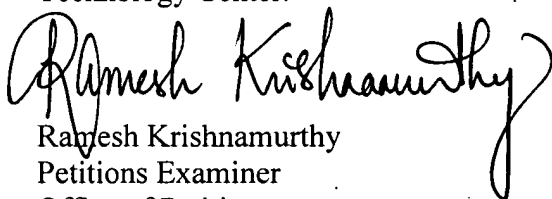
By Mail:                    Mail Stop PETITION  
                                 Commissioner for Patents  
                                 P. O. Box 1450  
                                 Alexandria, VA 22313-1450

By hand:                    U. S. Patent and Trademark Office  
                                 Customer Service Window, Mail Stop Petitions  
                                 Randolph Building  
                                 401 Dulany Street  
                                 Alexandria, VA 22314

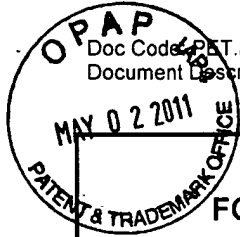
By FAX:                    (571) 273-8300

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.



Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



Doc Code: PET.RELIEF  
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

**CERTIFICATION AND REQUEST  
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable): 12/589,852	Patent Number (if applicable):
First Named Inventor: Junichi KOIKE	Title of Invention: COPPER INTERCONNECTION STRUCTURE AND METHOD FOR FORMING COPPER INTERCONNECTIONS

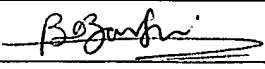
**APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE  
FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.**

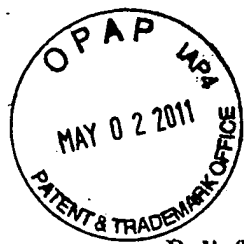
1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
  - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
  - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
  - c. The statutory or non-statutory time period set for response has not yet expired.
  - d. Withdrawal and reissuance of the Office communication is requested.
  - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
  - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
  - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
  - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
  - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.



**CERTIFICATION AND REQUEST  
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- a. The maintenance fee payment was required to have been paid after March 10, 2011.
  - b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
  - c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
  - e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
  - f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
  - g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
  - b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
  - d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date May 2, 2011
Name (Print/Typed) Shirin Bozorgui	Practitioner Registration Number 62,313
<b>Note:</b> Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	



**Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan**

The United States Patent and Trademark Office (USPTO) considers the effects of the earthquake and resulting tsunami in Japan on March 11, 2011, to be an "extraordinary situation" within the meaning of 37 CFR 1.183 and 37 CFR 2.146 for affected patent and trademark applicants, patentees, reexamination parties, and trademark owners. Since this catastrophic event occurred outside the United States and did not result in a postal service interruption in the United States Postal Service, the USPTO has no authority to designate a postal service emergency as authorized by 35 U.S.C. 21(a).

For patent applications and reexamination proceedings pending in the USPTO as of March 11, 2011, having one or more inventors, an assignee, or a correspondence address in areas of Japan affected by the earthquake and tsunami, in which a reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding, and for which the statutory or non-statutory time period set for response has not yet expired, the USPTO will, on applicant's request, or a reexamination party's request, withdraw the Office communication and reissue it. The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956). The request must be made by using form PTO/SB/425 (when available) or by making a request accompanied by a copy of this notice. The inclusion of a copy of this notice will be treated as a representation that the need for the reissuance of the Office communication was due to the effects of the earthquake and resulting tsunami of March 11, 2011. The request should be sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Form PTO/SB/425 will be available in EFS-Web and on the USPTO Web site at <http://www.uspto.gov/forms/index.jsp>. The use of form PTO/SB/425 is encouraged to facilitate processing of the request.

For patentees who were unable to timely pay a patent maintenance fee due to the effects of the earthquake and resulting tsunami on March 11, 2011, the USPTO will waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee and the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment when the patentee files the maintenance fee payment with a petition to accept a delayed maintenance fee under 37 CFR 1.378(c). *See* 37 CFR 1.183.

Patentees who seek to pay a maintenance fee during the six-month grace period following the window to pay the maintenance fee with a request to waive the surcharge in 37 CFR 1.20(h), must mail the payment and request to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or via facsimile to: 571-273-6500.

The request must be made by using form PTO/SB/425 (when available) or by making a request accompanied by a copy of this notice. The inclusion of a copy of this notice with the payment of the maintenance fee during the grace period will be treated as a representation that the late payment of the fee was due to the effects of the earthquake and tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.20(h). This waiver may only be appropriately requested where the original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011, and the delay in paying the fee was due to the effects of the earthquake and tsunami of March 11, 2011.

The USPTO advises patentees who need to file a petition to accept a delayed maintenance fee payment due to the effects of the earthquake and tsunami of March 11, 2011, where the maintenance fee payment was required to have been paid after March 10, 2011, to promptly file a petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – **Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))** accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)) and either a copy of this notice or form PTO/SB/425. The inclusion of a copy of this notice will be treated as a representation that the delay in payment of the maintenance fee was due to the effects of the earthquake and resulting tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.20(i). The petition must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

Patentees are reminded that a petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c). A petition to accept a delayed maintenance fee payment filed later than twenty-four months after the expiration date of the patent must be filed under 37 CFR 1.378(b) and include a showing that the delay in payment was unavoidable. A petition to accept a delayed maintenance fee payment due to the effects of the earthquake and tsunami may be submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

For applicants who file a nonprovisional application on or after March 11, 2011, and prior to April 12, 2011, without an executed oath or declaration or payment of the basic filing fee, search fee, and/or examination fee due to the earthquake and tsunami of March 11, 2011, the USPTO will waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee. Patent applicants seeking waiver of the surcharge must include either form PTO/SB/425 or a copy of this notice, along with the executed oath or declaration or the basic filing fee,

search fee, or examination fee. The inclusion of a copy of this notice will be treated as a representation that the late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.16(f). The reply to the Notice to File Missing Parts requiring the oath or declaration or the filing fees may be submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patent-related inquiries concerning this notice may be directed to the Office of Patent Legal Administration at (571) 272-7704 ((571) 272-7703 for reexamination), or by e-mail at [PatentPractice@uspto.gov](mailto:PatentPractice@uspto.gov).

For trademark applications and registrations with a correspondence or owner address in areas of Japan affected by the earthquake and tsunami as of March 11, 2011, in which a an Office action (final, non-final, or other), a notice of allowance, or other Office notice requiring a response (hereinafter collectively referred to as "Office communication") is outstanding, the USPTO will, upon request, withdraw the Office communication and reissue it. The request must be made prior to the deadline for responding to the Office communication, and indicate that the need for the reissuance of the Office communication is due to the effects of the earthquake and resulting tsunami of March 11, 2011. The request should be sent via e-mail to [TMFeedback@uspto.gov](mailto:TMFeedback@uspto.gov) or by mail to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451. If necessary, changes of correspondence address should be provided.

For trademark applications and registrations with a correspondence or owner address in areas of Japan affected by the earthquake and tsunami as of March 11, 2011, that were abandoned or cancelled due to inability to timely respond to a trademark-related Office communication due to the effects of the earthquake and resulting tsunami on March 11, 2011, the USPTO will waive the petition fee (set by regulation, rather than statute) to revive the abandoned application or cancelled registration. Either a petition by regular mail to the address set forth in the preceding paragraph, or the Trademark Electronic Application System (TEAS) "Request for Reinstatement" form should be used, and must include a verified statement that the failure to respond to the Office communication was due to the effects of the earthquake and resulting tsunami.

Trademark-related inquiries concerning this notice may be directed to the Trademark Office of Petitions by telephone at (571) 272-8950, by facsimile at (571) 273-8950, or by e-mail at [TMFeedback@uspto.gov](mailto:TMFeedback@uspto.gov).

The USPTO cannot grant waivers or extensions of dates or requirements set by statute. For example, the following patent-related time periods cannot be extended by the Director: (1) the period set forth in 35 U.S.C. 119(a)-(d) to file a nonprovisional patent application claiming the benefit of a prior-filed foreign application; (2) the twelve-month time period set forth in 35 U.S.C. 119(e) during which a nonprovisional application claiming the benefit of a prior filed provisional application must be filed in order to

obtain benefit of the provisional application's filing date; (3) the copendency requirement of 35 U.S.C. 120 between a parent application which issues as a patent and a later filed child application, which requires that the child application be filed prior to issuance of the parent application; (4) the three-month time period to pay the issue fee set forth in 35 U.S.C. 151; (5) the 35 U.S.C. 304 two-month time period from the date of patentee service, for a requester to file, in an *ex parte* reexamination, a reply to a statement filed by the patentee; and (6) the 35 U.S.C. 314(b)(2) thirty-day time period from the date of service, for a requester to file, in an *inter partes* reexamination, written comments addressing issues raised by an Office action or the patentee's response to the action. The following statutory trademark-related time periods cannot be extended and statutory fees cannot be waived by the Director: (1) the 36-month period set forth in 15 U.S.C. 1051(d) within which a statement of use must be filed and the associated fee(s); (2) the periods set forth in 15 U.S.C. 1058, 1141(k) for filing affidavits of continued use or excusable nonuse and the associated fee(s); (3) the period set forth in 15 U.S.C. 1059 for filing a renewal and the associated fee(s); and (4) the periods set forth in 15 U.S.C. 1063 and 1064 for filing an opposition or cancellation proceeding at the Trademark Trial and Appeal Board.

Date:

3/17/11

  
David J. Kappos

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MASUVALLEY & PARTNERS  
8765 AERO DRIVE  
SUITE 312  
SAN DIEGO CA 92123

**MAILED**  
**MAY 20 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Junichi KOIKE et al.  
Application No. 12/589,852  
Filed: October 29, 2009  
Attorney Docket No.: 13024-312US

DECISION ON PETITION

This is a decision on the request filed May 2, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011), ("OG Notice").

The request for relief is **DISMISSED**.

As set forth in the OG Notice, an Office action or notice will be re-mailed and the period for response will be restarted if:

- (1) The patent application or reexamination proceeding is pending in the USPTO as of March 11, 2011, and a reply to an Office action (final, non-final, or other), a notice of allowance, or other Office notice is outstanding as of March 11, 2011;
- (2) One or more inventors, an assignee or a correspondence address is in the area of Japan affected by the earthquake and resultant tsunami of March 11, 2011;
- (3) The period for response has not yet expired; and
- (4) Applicant requests relief. The request must be made by using the form PTO/SB/425 or be accompanied by a copy of the announcement.

The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956). The use of the form PTO/SB/425 or the inclusion of a copy of the announcement will be treated as a representation that the need for the

reissuance of the Office communication was due to the effects of the earthquake and resulting tsunami of March 11, 2011.

The instant request is dismissed since it lacks item(s) (1). Applicant is requesting a "reissuance of the Office Action of Nonprovisional Application mailed on April 12, 2011." However, a response to the Office action in question or other Office communication was not outstanding as of March 11, 2011, as required by the OG Notice. Accordingly, the request is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

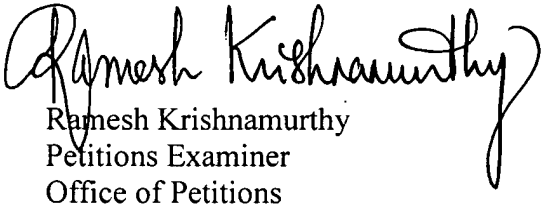
By Mail:                   Mail Stop PETITION  
                                Commissioner for Patents  
                                P. O. Box 1450  
                                Alexandria, VA 22313-1450

By hand:                   U. S. Patent and Trademark Office  
                                Customer Service Window, Mail Stop Petitions  
                                Randolph Building  
                                401 Dulany Street  
                                Alexandria, VA 22314

By FAX:                   (571) 273-8300

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12589887	
Filing Date	30-Oct-2009	
First Named Inventor	Chandra Singh	
Art Unit	1628	
Examiner Name	TIMOTHY THOMAS	
Attorney Docket Number	TLI113	
Title	Esters of capsaicinoids as dietary supplements	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		46488 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Chandra U. Singh	
Address	100 N.E. Loop 410	
City	San Antonio	
State	TX	
Postal Code	78216	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/John M. Hammond/
Name	John M. Hammond
Registration Number	52986



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : September 5, 2011

In re Application of :

Chandra Singh

Application No : 12589887

Filed : 30-Oct-2009

Attorney Docket No : TLI113

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 5, 2011

The request is **APPROVED**.

The request was signed by John M. Hammond (registration no. 52986 ) on behalf of all attorneys/agents associated with Customer Number 46488 . All attorneys/agents associated with Customer Number 46488 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Chandra U.  
Name2 Singh  
Address 1 100 N.E. Loop 410  
Address 2  
City San Antonio  
State TX  
Postal Code 78216  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/589,904	10/29/2009	Sharif Adham Safwat	2269	9695
<div>7590      05/24/2011</div> <div>Donald E. Schreiber A Professional Corporation Post Office Box 2926 Kings Beach, CA 96143-2926</div> <div>EXAMINER TSANG, LISA L</div> <div>ART UNIT      PAPER NUMBER 3643</div> <div>MAIL DATE      DELIVERY MODE 05/24/2011      PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 24 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Donald E. Schreiber  
A Professional Corporation  
Post Office Box 2926  
Kings Beach, CA 96143-2926

In re Application of: :DECISION ON PETITION  
Safwat, Sharif Adham :TO ACCEPT COLOR  
Application No. 12/589,904 :DRAWINGS/PHOTOGRAPHS  
Filed: October 29, 2009  
For: A FORB HIGHLY ATTRACTIVE TO AND  
GOOD FOR WHITETAIL DEER

This is a decision on applicant's petition under 37 CFR 1.84(a)(2) and 37 CFR 1.84 (b)(2) filed October 29, 2009 to accept color drawings/photographs.  
The decision has been **DISMISSED**.

For the acceptance of color drawings in accordance with 37 CFR 1.84(a)(2), a petition is required which fulfills the following requirements:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings/photographs;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:  
The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

After careful review, the specification had not been amended as required by 37 CFR 1.84(a)(2)(iii) as noted above.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Peter M. Poon at the number listed below.

Peter M. Poon  
Supervisory Patent Examiner  
Art Unit 3643  
(571) 272-6891  
Peter.poon@uspto.gov  
May 24, 2011



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

August 31, 2011

Weaver Austin Villeneuve & Sampson LLP - QUAL  
Attn: QUAL  
P.O. Box 70250  
Oakland CA 94612-0250

In re Application of	:	
Heald, David Leslie	:	<b>DECISION ON PETITION</b>
Application No. 12/589,928	:	
Filed: 10/29/2009	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. QUALP011/092178	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 29, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

**MAILED**  
**FEB 28 2011**  
**OFFICE OF PETITIONS**

K&L Gates LLP  
3580 Carmel Mountain Road  
Suite 200  
San Diego CA 92130

In re Application of :  
Madison et al. :  
Application No. 12/590,011 : ON APPLICATION FOR  
Filed: October 30, 2009 : PATENT TERM ADJUSTMENT  
Atty Docket No. DEP5418USNP :

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. §1.705(b)," filed December 16, 2010. Applicants request the PTA determination for the above-identified application be corrected to reflect an additional 17 days of Applicant delay.

The request for review of the determination of patent term adjustment (PTA) is granted.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance remains **zero (0)** days. However, Applicant delay has been increased to forty-one (41) days. A copy of the updated PAIR screen, reflecting the change, is enclosed.

On September 16, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 0 days. On December 16, 2010, applicants submitted the instant correspondence in which applicants request the patent term adjustment be reduced for the delay associated with filing a supplemental reply on August 9, 2010 after a reply was filed on June 29, 2010.

A review of the record reveals the Office failed to enter a reduction for the supplemental reply filed on August 9, 2010. After applicants filed a reply on June 29, 2010, applicants submitted a supplemental reply or paper in the form of an IDS on

July 23, 2010. The Office properly charged applicants with a 24 day delay (Juen 30, 2010 to July 23, 2010). On August 9, 2010, applicants filed another supplemental reply. The record does not support a conclusion that the examiner expressly requested the filing of the supplemental reply. Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application. The period of adjustment should have been reduced by 17 additional days pursuant to 37 CFR 1.704(c)(8), counting the number of days beginning on the day after the date the first supplemental reply was filed, July 24, 2010, and ending on the date that the second supplemental amendment was filed, August 9, 2010. Accordingly, a period of reduction of 17 days will be entered.


In view thereof, the correct patent term adjustment at the time of mailing of the Notice of Allowance on September 16, 2010, is **zero (0) days** (0 days Office delay minus 41 (24 + 17) days Applicant delay).

The \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b) will be charged to deposit account no. 02-1818.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to, at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation for U.S.  
Application No. 12/590,011



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12/590,011

## NUCLEIC ACID MOLECULES ENCODING TRANSMEMBRANE SERINE PROTEASES, THE ENCODED PROTEINS AND METHODS BASED THEREON

PDF

Select New Case	Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Fees	Published Documents	Address & Attorney/Agent	Supplemental Content
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### Patent Term Adjustment

Filing or 371(c) Date:	10-30-2009	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	02-15-2011	Non-Overlapping USPTO Delays:	0
A Delays:	0	PTO Manual Adjustments:	-17
B Delays:	0	Applicant Delays:	24
C Delays:	0	Total PTA Adjustments:	0

### Patent Term Adjustment History

### Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
57	02-28-2011	Adjustment of PTA Calculation by PTO		17	0
53.5	02-15-2011	PTA 36 Months	0		0.5
53	02-15-2011	Patent Issue Date Used in PTA Calculation			0
52	12-16-2010	Petition Entered			0
51	01-04-2011	Export to Final Data Capture			0
50	01-03-2011	Dispatch to FDC			0
49	01-03-2011	Application Is Considered Ready for Issue			0
48	12-16-2010	Issue Fee Payment Verified			0
47	12-16-2010	Issue Fee Payment Received			0
46	11-30-2010	Mail Miscellaneous Communication to Applicant			0
45	11-24-2010	Finished Initial Data Capture			0
44	11-29-2010	Miscellaneous Communication to Applicant - No Action Count			0
43	10-12-2010	Sequence Forwarded to Pubs on Tape			0
42	09-21-2010	Export to Initial Data Capture			0
41	09-23-2010	Filing Receipt - Corrected			0
40	09-16-2010	Mail Notice of Allowance			0
39	09-14-2010	Issue Revision Completed			0
38	09-14-2010	Notice of Allowance Data Verification Completed			0
37	09-14-2010	Case Docketed to Examiner in GAU			0
36	09-14-2010	Document Verification			0
35	09-10-2010	Allowability Notice			0
31	07-23-2010	Information Disclosure Statement considered			0
30	12-29-2009	Information Disclosure Statement considered			0
27	08-09-2010	Preliminary Amendment			0
26	07-23-2010	Reference capture on IDS			0

25	07-23-2010	Information Disclosure Statement (IDS) Filed	24	22
24	07-23-2010	Information Disclosure Statement (IDS) Filed		0
23	07-12-2010	Date Forwarded to Examiner		0
22	06-29-2010	Response to Election / Restriction Filed		0
21	06-29-2010	Request for Extension of Time - Granted		0
20	04-29-2010	PG-Pub Issue Notification		0
19	04-05-2010	Mail Restriction Requirement		0
18	03-29-2010	Restriction/Election Requirement		0
17	03-17-2010	Mail Pre-Exam Notice		0
16	01-28-2010	Case Docketed to Examiner in GAU		0
15	01-20-2010	CRF Is Good Technically / Entered into Database		0
14	01-20-2010	Application Dispatched from OIPE		0
13	01-20-2010	Filing Receipt - Updated		0
12	12-23-2009	Additional Application Filing Fees		0
11	12-23-2009	CRF Disk Has Been Received by Preexam / Group / PCT		0
10	12-29-2009	Information Disclosure Statement (IDS) Filed		0
9	12-11-2009	Change in Power of Attorney (May Include Associate POA)		0
8	12-11-2009	SEQUENCE ERRORS		0
7	12-11-2009	Filing Receipt		0
6	12-04-2009	CRF Is Flawed Technically / Not Entered into Database		0
5	10-30-2009	CRF Disk Has Been Received by Preexam / Group / PCT		0
4	11-07-2009	Cleared by OIPE CSR		0
3	11-05-2009	IFW Scan & PACR Auto Security Review		0
1	11-02-2009	Initial Exam Team nn		0
0.5	10-30-2009	Filing date		0

*If you need help:*

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ROSS PATENT LAW OFFICE  
P.O. BOX 2138  
DEL MAR CA 92014

**MAILED**

**MAR 15 2011**

In re Application of  
TANKOVICH, et al  
Application No. 12/590,075  
Filed: November 2, 2009  
Attorney Docket No. TANK 16

: **OFFICE OF PETITIONS**  
:  
: **DECISION ON PETITION**  
:  
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed November 19, 2009. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquires should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further pre-examination processing.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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**MAILED**

**FEB 22 2012**

**OFFICE OF PETITIONS**

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS MI 48303

In re Application of	:	DECISION ON REQUEST TO
Shinichi Kiribayashi	:	PARTICIPATE IN THE PATENT
Application No.: 12/590,171	:	PROSECUTION HIGHWAY
Filed: 03 November 2009	:	PROGRAM AND PETITION
Attorney Docket No.: 4041J-001619/US	:	TO MAKE SPECIAL UNDER
For: ELECTRONIC SAFING SYSTEM	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 31 January 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Sherry D. Brinkley at 571-272-3204.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/590,172	11/03/2009	Kenichi Takenaka	4041J-001617/US	1535
27572 7590 10/11/2011 HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER SHALWALA, BIPIN H	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 10/11/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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**HARNESS, DICKEY & PIERCE, P.L.C.**  
**P.O. BOX 828**  
**BLOOMFIELD HILLS MI 48303**

**In re Application of**

**TAKENAKA et al.**

**Application No.: 12/590,172**

**Filed: 03 November 2009**

**Attorney Docket No.: 4041J-001617/US**

**For: REMOTE CONTROL**

**APPARATUS FOR VEHICLE**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 22 September 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2600



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Paper No.

Davidson, Davidson & Kappel, LLC  
485 7th Avenue  
14th Floor  
New York NY 10018

**MAILED**  
**AUG 22 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Snawerdt	:	
Application No. 12/590,185	:	DECISION ON PETITION
Filed: November 4, 2009	:	PURSUANT TO
Attorney Docket No.	:	37 C.F.R. § 1.137(B)
514.1007CON	:	
Title: FIBER OPTIC	:	
TELECOMMUNICATIONS CARD WITH	:	
SECURITY DETECTION	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 29, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed December 27, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 28, 2011. A notice of abandonment was mailed on July 21, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.<sup>1</sup>

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on July 29, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>2</sup> All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

---

<sup>1</sup> See Rule 1.137(d).

<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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**GEORGE L. WILLIAMSON**  
**P.O. BOX 508**  
**FAIRHOPE AL 36533-0508**

**MAILED**

**JAN 03 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
William M. Landry	:	
Application No. 12/590,268	:	DECISION ON PETITION
Filed: November 6, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 13, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3611 for action on the merits commensurate with this decision.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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**RICHARD F. JAWORSKI**  
**Cooper & Dunham LLP**  
**30 Rockefeller Plaza**  
**New York NY 10112**

**MAILED**  
**JUL 14 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Boo-Sung Hwang	:	
Application No. 12/590,327	:	DECISION ON PETITION
Filed: November 5, 2009	:	TO WITHDRAW
Attorney Docket No. 6342/81037	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 27, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Norman H. Zivin, on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Boo-Sung Swang  
402 New Sun-kyung Plaza  
146-1 Imae 2 dong, Bun-dang gu  
Seo-nam si, Kyung-ki do  
Republic of Korea



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/590,327	11/05/2009	Boo-Sung Hwang	6342/81037

Richard F. Jaworski  
Cooper & Dunham LLP  
30 Rockefeller Plaza  
New York, NY 10112

**CONFIRMATION NO. 1140**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 07/11/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Cooper & Dunham LLP  
30 Rockefeller Plaza  
20<sup>th</sup> Floor  
New York NY 10112

**MAILED**

**JUL 14 2011**

**OFFICE OF PETITIONS**

In re Application of

Boo-Sung Hwang

Application No. 12/590,328

Filed: November 5, 2009

Attorney Docket No. 6342/81025

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 27, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Norman H. Zivin, on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Boo-Sung Swang  
402 New Sun-kyung Plaza  
146-1 Imae 2 dong, Bun-dang gu  
Seo-nam si, Kyung-ki do  
Republic of Korea





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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/590,328	11/05/2009	Boo-Sung Hwang	6342/81025

23432  
COOPER & DUNHAM, LLP  
30 Rockefeller Plaza  
20th Floor  
NEW YORK, NY 10112

**CONFIRMATION NO. 5461**  
**POWER OF ATTORNEY NOTICE**



OC000000048690725

Date Mailed: 07/11/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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WWW.USPTO.GOV

Paper No.

ORRICK, HERRINGTON & SUTCLIFFE, LLP  
IP PROSECUTION DEPARTMENT  
4 PARK PLAZA  
SUITE 1600  
IRVINE CA 92614-2558

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Moss :  
Application No. 12/590,340 : DECISION ON PETITION  
Filed: November 6, 2009 : PURSUANT TO  
Attorney Docket No.: 24257-4006 : 37 C.F.R. § 1.137(B)  
Title: ELECTRICAL POWER :  
CONSUMPTION MEASURING SYSTEM :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 15, 2010, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed December 14, 2009, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 15, 2010. A notice of abandonment was mailed on August 23, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has submitted the fee associated with the filing of excess claims, the petition fee, and a statement that is being construed as the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.<sup>1</sup>

Petitioner has also submitted a four-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.<sup>2</sup> Accordingly, since the \$865 extension of time submitted with the petition on September 15, 2010 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's Deposit Account in due course.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP. Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in

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<sup>1</sup> See Rule 1.137(d).

<sup>2</sup> See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.<sup>3</sup>

/Paul Shanowski/

Paul Shanowski  
Senior Attorney  
Office of Petitions

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<sup>3</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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In re Application of  
Raymond Girouard

Application No. 12590373

Filed: November 6, 2009

Attorney Docket No. RPG-101/US

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 07-DEC-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12590373	Confirmation Number	5843	Filing Date	2009-11-06
Attorney Docket Number (optional)	RPG-101/US	Art Unit	3661	Examiner	OLSEN, LIN B
First Named Inventor	Raymond Girouard				
Title of Invention	A METHOD OF CONTROLLING ENGINE PERFORMANCE				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Raymond		Girouard			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Thomas J. McFarlane/		Date (YYYY-MM-DD)	2011-12-07	
Name	Thomas J. McFarlane		Registration Number	39299	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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ABELMAN, FRAYNE & SCHWAB  
666 THIRD AVENUE, 10TH FLOOR  
NEW YORK NY 10017

**MAILED**  
**APR 08 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
MacPherson	:	
Application No. 12/590,415	:	DECISION DISMISSING PETITION
Filed: November 7, 2009	:	
Attorney Docket No. 210,546	:	

This is a decision on the petition filed March 4, 2011, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of November 6, 2009.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.10."

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on November 6, 2009. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EB908956573US showing a "date-in" of November 7, 2009, but a postmark of November 6, 2009. It is noted that petitioner has provided other documentation to substantiate the application was deposited on with the Express Mail Service on November 6, 2006, and the "date-in" entered incorrectly by the U.S. Postal Service attendant.

Section 1.10(a) of the Title 37 of the Code of Federal Regulations indicates that correspondence received by the Patent and Trademark Office that was delivered by Express Mail will be considered filed in the Office on the date of deposit with the United States Postal Service. Where there is a discrepancy between the date of deposit as shown on the Express Mail label and the filing date accorded the correspondence by the Office, 37 CFR 1.10(c) provides that an applicant may petition to have the Commissioner accord the correspondence a filing date as of the "date in" on Express Mail label. In accordance with 37 CFR 1.10(c), a successful petition must:

- (1) . . . be filed promptly after the person becomes aware that the Office has accorded or will accord a filing date other than the USPS deposit date;
- 2) [provide] the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constituted the correspondence prior to the original mailing by Express Mail; and
- (3) . . . include a true copy of the Express Mail mailing label showing the date-in and of any other official notation by the USPS relied upon to show the date of deposit.



The instant petition does not satisfy the requirements of item (1) above.

As to item (1), petitioner has not established that the petition was filed promptly after petitioner discovered that the filing date might be incorrect. It is noted that a filing receipt was mailed November 24, 2009, indicating that the filing date accorded the application is November 7, 2009. Petitioner must explain when petitioner discovered that the application had been accorded an incorrect filing date and what steps were taken to ensure the petition was promptly filed.

**It is further noted that petition is citing an incorrect application number on the papers filed for this application. Specifically, the Information Disclosure Statement and transmittal filed January 20, 2010, and the instant petition both cited application serial number 12/590,410 and were placed in that application file. The undersigned had the documents transferred to the correct application. Petitioner is cautioned to cite the correct application serial number of 12/590,415 on all future filings for this application.**

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    Box 1450  
                                    Alexandria, VA 22313-1450

By facsimile:              (571) 273-8300  
                                    Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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ABELMAN, FRAYNE & SCHWAB  
666 THIRD AVENUE, 10TH FLOOR  
NEW YORK NY 10017

**MAILED**

**JUN 30 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
MacPherson	:	
Application No. 12/590,415	:	ON PETITION
Filed: November 6, 2009	:	
Attorney Docket No. 210,546	:	

This is a decision on the petition filed May 18, 2011, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of November 6, 2009.

The petition is **granted**.

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on November 6, 2009. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EB908956573US showing a "date-in" of November 7, 2009, but a postmark of November 6, 2009. It is noted that petitioner has provided other documentation to substantiate the application was deposited on with the Express Mail Service on November 6, 2009, and the "date-in" entered incorrectly by the U.S. Postal Service attendant.

In view of the above, the petition is granted. The new filing date for the above-cited application is November 6, 2009.

The Office of Patent Application Processing will further process the application with a filing date November 6, 2009, and issue a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571)272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/590,422	11/09/2009	Daniel Murphy Horgan		2583

7590 03/24/2011  
Daniel Horgan  
201 21st Street  
Huntington Beach, CA 92648

EXAMINER
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ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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03/24/2011

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Nomi Adams*  
Patent Publication Branch  
Office of Data Management



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**NEOCONIX, INC.**  
**c/o INTELLEVATE, LLC**  
**P.O. BOX 52050**  
**MINNEAPOLIS MN 55402**

**MAILED**

**JAN 10 2011**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Larry E. Dittmann et al.	:	
Application No. 12/590,443	:	<b>DECISION ON PETITION</b>
Filed: November 6, 2009	:	
Attorney Docket No. EPC-00067-C1-US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 21, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 21, 2010. Accordingly, the date of abandonment of this application is September 22, 2010. A Notice of Abandonment was mailed on October 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet  
Petitions Examiner  
Office of Petitions

What is claimed is:

1. A method of identifying resource use, comprising:

periodically receiving use of the resource from a meter;

graphically displaying to a user the resource use received from the meter over time;

identifying to the user at least one resource use area of the graph of the resource use over time

5 that indicates use of a resource by at least one device responsive to at least one steep slope of the graph;

receiving from the user an identifier of at least one of the at least one device that caused the resource to be used in the manner corresponding to at least one of the at least one resource use area;

identifying exceptional use of the resource responsive to the identifier of the at least one of the at least one device and the use of the resource; and

10 providing information regarding correcting the exceptional use.

2. The method of claim 1, additionally comprising:

receiving information about the price of the resource; and

identifying the cost of the resource use area to the user.

3. The method of claim 1, wherein the information regarding correcting the exceptional use is provided directly to the user.

4. The method of claim 1, wherein the information regarding correcting the exceptional use is provided to a party other than the user.

5. The method of claim 4:

wherein the party other than the user is a retailer; and

the retailer contacts the user regarding reducing the resource use responsive to the information regarding correcting the exceptional use.

6. The method of claim 1:

additionally comprising receiving information regarding known use of the resource by at least one other device, other than the at least one device; and

5 wherein the exceptional use is identified additionally responsive to the known use of the resource by the at least one other device.

7. The method of claim 1:

additionally comprising receiving information regarding weather; and

wherein the exceptional use is identified additionally responsive to the weather information received.

8. A system for identifying resource use, comprising:

a resource information manager having an input coupled to a meter that measures use of a resource by multiple devices, the resource information manager for periodically receiving a quantity of use of the resource from the meter, adding date and time of use to the quantity of use, and providing a plurality of said quantities of use of the resource and date and time at an output;

a display manager having an input coupled to the resource information manager output for receiving the plurality of quantities of use of the resource and date and time, the display manager for providing at an output information used for graphically displaying to a user the resource use received from the meter over time;

an area assignment manager having an input coupled to the display manager output for receiving the information used for graphically displaying to the user the resource use received from the meter over time, the area assignment manager for identifying to the user at an output at least one resource use area of the graph of the resource use over time that indicates use of a resource by at least one device responsive to at least one steep slope of the graph;

a resource use area manager having an input for receiving from the user an identifier of at least one of the at least one device that caused the resource to be used in the manner corresponding to at least one of the at least one resource use area, the resource use area manager for providing the identifier at an output;

a resource analyzer having an input coupled to the resource use area manager output for receiving the identifier and to the resource information manager output for receiving the plurality of quantities of use of the resource and date and time, the resource analyzer for identifying at an output information regarding exceptional use of the resource responsive to the identifier of the at least one of the at least one device and the use of the resource; and

a suggestion manager having an input coupled to the resource analyzer output for receiving the information regarding exceptional use of the resource, and for providing at an output information regarding correcting the exceptional use.

9. The system of claim 8, wherein:

the area assignment manager input is additionally for receiving information about the price of the resource, the resource information manager for providing the information about the price of the resource at an output; and

the area assignment manager is additionally for identifying to the user at the output the cost of the resource use area to the user.

10. The system of claim 8, wherein the information regarding correcting the exceptional use is provided directly to the user.

11. The system of claim 8, wherein the information regarding correcting the exceptional use is provided to a party other than the user.

12. The system of claim 11:

wherein the party other than the user is a retailer; and  
the retailer contacts the user regarding reducing the resource use responsive to the information regarding correcting the exceptional use.

13. The system of claim 8 wherein:

the resource analyzer input is additionally for receiving information regarding known use of the resource by at least one other device, other than the at least one device; and

5 the resource analyzer identifies the exceptional use additionally responsive to the known use of the resource by the at least one other device.

14. The system of claim 8:

additionally comprising receiving information regarding weather; and

the exceptional use is identified additionally responsive to the weather information received.

15. A computer program product comprising a computer useable medium having computer readable program code embodied therein for identifying resource use, the computer program product comprising computer readable program code devices configured to cause a computer system to:

periodically receive use of the resource from a meter;

5 graphically display to a user the resource use received from the meter over time;

identify to the user at least one resource use area of the graph of the resource use over time that indicates use of a resource by at least one device responsive to at least one steep slope of the graph;

receive from the user an identifier of at least one of the at least one device that caused the resource to be used in the manner corresponding to at least one of the at least one resource use area;

10 identify exceptional use of the resource responsive to the identifier of the at least one of the at least one device and the use of the resource; and

provide information regarding correcting the exceptional use.

16 The computer program product of claim 15, additionally comprising computer readable program code devices configured to cause the computer system to:

receive information about the price of the resource; and

identify the cost of the resource use area to the user.

17. The computer program product of claim 15, wherein the information regarding correcting the exceptional use is provided directly to the user.

18. The computer program product of claim 15, wherein the information regarding correcting the exceptional use is provided to a party other than the user.

19. The computer program product of claim 18:

wherein the party other than the user is a retailer; and

the retailer contacts the user regarding reducing the resource use responsive to the information regarding correcting the exceptional use.

20. The computer program product of claim 15:

additionally comprising computer readable program code devices configured to cause the

computer system to receive information regarding known use of the resource by at least one other device, other than the at least one device; and

5            wherein the exceptional use is identified additionally responsive to the known use of the resource by the at least one other device.

21. The computer program product of claim 15:

            additionally comprising computer readable program code devices configured to cause the computer system to receive information regarding weather; and

5            wherein the exceptional use is identified additionally responsive to the weather information received.



## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 1655 PCT	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2009/005996</b>	International filing date ( <i>day/month/year</i> ) <b>06 NOVEMBER 2009 (06.11.2009)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 06 NOVEMBER 2008 (06.11.2008)
Applicant  <b>SILVER SPRINGS NETWORKS, INC.</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 2

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US2009/005996

## A. CLASSIFICATION OF SUBJECT MATTER

*G06Q 50/00(2006.01)i*

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G06Q 50/00; G06F 17/60; G06F 19/00; G08C 15/06; H04M 11/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: identifying, resource, power, usage

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2003-0063723 A1 (DEREK BOOTH et al.) 03 April 2003 See Abstract, Claims 1-60 and Figs. 1-5	1-21
A	US 2002-0178047 A1 (ELLEN PAK-WAH OR et al.) 28 November 2002 See Abstract, Claims 1-5 and Figs. 1-26	1-21
A	US 2007-0247331 A1 (BRUCE ANGELIS et al.) 25 October 2007 See Abstract, Claims 1-22 and Figs. 1-6	1-21
A	US 6785620 B2 (KISHLOCK, TERESA et al.) 31 August 2004 See Abstract, Claims 1-28 and Figs. 1-4	1-21
A	US 6366889 B1 (ZALOOM, JOSEPH A.) 02 April 2002 See Abstract, Claims 1-37 and Figs. 1-30	1-21

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

23 JUNE 2010 (23.06.2010)

Date of mailing of the international search report

23 JUNE 2010 (23.06.2010)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-  
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

BAK, JUNYUNG

Telephone No. 82-42-481-5729



**INTERNATIONAL SEARCH REPORT**  
Information on patent family members

International application No.  
**PCT/US2009/005996**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2003-0063723 A1	03.04.2003	CA 2465941 A1 EP 1446937 A1 EP 1446937 A4 US 2005-0240315 A1 US 7561681 B2 WO 03-030509 A1	10.04.2003 18.08.2004 17.05.2006 27.10.2005 14.07.2009 10.04.2003
US 2002-0178047 A1	28.11.2002	None	
US 2007-0247331 A1	25.10.2007	None	
US 6785620 B2	31.08.2004	US 2001-020219 A1	06.09.2001
US 6366889 B1	02.04.2002	None	

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

GOTLIEB CHARLES ESQ.

INNOVATION PARTNERS 540 UNIVERSITY AVENUE  
SUITE 300 PALO ALTO CA 94301 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing

(day/month/year)

23 JUNE 2010 (23.06.2010)

Applicant's or agent's file reference

1655 PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2009/005996

International filing date (day/month/year)

06 NOVEMBER 2009 (06.11.2009)

Priority date(day/month/year)

06 NOVEMBER 2008 (06.11.2008)

International Patent Classification (IPC) or both national classification and IPC

G06Q 50/00(2006.01)

Applicant

SILVER SPRINGS NETWORKS, INC.

1. This opinion contains indications relating to the following items:



Box No. I

Basis of the opinion



Box No. II

Priority



Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



Box No. IV

Lack of unity of invention



Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement



Box No. VI

Certain documents cited



Box No. VII

Certain defects in the international application



Box No. VIII

Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140



Date of completion of this opinion

23 JUNE 2010 (23.06.2010)

Authorized officer

BAK, JUNYUNG

Telephone No.82-42-481-5729



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2009/005996**

**Box No. 1 Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2009/005996**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-21	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-21	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents.

D1: US 2003-0063723 A1 (DEREK BOOTH et al.) 03 April 2003  
D2: US 2002-0178047 A1 (ELLEN PAK-WAH OR et al.) 28 November 2002  
D3: US 2007-0247331 A1 (BRUCE ANGELIS et al.) 25 October 2007  
D4: US 6785620 B2 (KISHLOCK, TERESA et al.) 31 August 2004  
D5: US 6366889 B1 (ZALOOM, JOSEPH A.) 02 April 2002

**1. Novelty and Inventive Step**

**1.1. Claim 1-7**

The subject matter of **claim 1** differs from D1-D5 in that the method of **claim 1** comprises the steps of **receiving from the user an identifier of at least one device**; and **identifying exceptional use of the resource** responsive to the identifier and the use of the resource. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, **claim 1** meets the requirements of PCT Article 33(2)-(3).

**Claims 2-7**, which are dependent on **claim 1**, also meet the requirements of PCT Article 33(2)-(3).

**1.2. Claims 8-14 and 15-21**

The subject matter of **claims 8-14 and 15-21** is substantially the same as that of **claims 1-7**. Therefore, **Claims 8-14 and 15-21** also meet the requirements of PCT Article 33(2)-(3).

**2. Industrial Applicability**

**Claims 1-21** are industrially applicable under PCT Article 33(4).

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/590,451	Filing date:	November 6, 2009
First Named Inventor:	Gary Grossman		
Title of the Invention:	System And Method For Identifying Power Usage Issues		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2009/005996

**The international filing date of the corresponding PCT application(s) is/are:** November 6, 2009

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/590,451
------------------	------------

First Named Inventor:	Gary Grossman
-----------------------	---------------

- ☐ **WORKSHEET, WORKSHEET**  
Is attached

☒ Has already been filed in the above-identified U.S. application on September 15, 2010

- ☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on **September 15, 2010**

[illegible]

Signature <u>/kevin p. rizzuto/</u>	Date <u>February 16, 2011</u>
Name (Print/Typed) <u>Kevin P. Rizzuto</u>	Registration Number <u>59,229</u>



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 2628

In re

Attorney Docket No. 086485-9035-01

Patent Application of

Gary Grossman, et al.

Application No. 12/590,451

Confirmation No. 5559

Filing Date: November 6, 2009

Examiner: Andrew J. Wang

"SYSTEM AND METHOD FOR IDENTIFYING POWER  
USAGE ISSUES"

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE  
PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY PILOT PROGRAM  
BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Request For Participation in the Patent Cooperation Treaty – Patent Prosecution Highway Pilot Program. No fees are believed to be due. However, the U.S. Patent Office is authorized to charge any fees which may be required to Deposit Account Number 13-3080.

Respectfully submitted,

/kevin p. rizzuto/

Kevin P. Rizzuto  
Reg. No. 59,229

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414-271-6560



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/590,451	11/06/2009	Gary Grossman	086485-9035-01	5559
95486 7590 03/22/2011 Michael Best & Friedrich LLP 100 East Wisconsin Avenue Suite 3300 Milwaukee, WI 53202			EXAMINER WANG, ANDREW J	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 03/22/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee WI 53202

In re Application of	:	
GROSSMAN, GARY et. al.	:	DECISION ON REQUEST TO
Application No. 12/590,451	:	PARTICIPATE IN PATENT
Filed: November 6, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 086485-9035-01	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed February 16, 2011 to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and
- (7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s) and copies of all of the documents cited in the international work products of the PCT application (unless

copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition is deficient as follows:

It is not clear whether petitioner has complied with item 1 above since it is unclear to the relationship between PCT/US2009/005996 containing the allowed claims and this instant application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

---

Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/590,451	Filing date:	November 6, 2009
First Named Inventor:	Gary Grossman		
Title of the Invention:	System And Method For Identifying Power Usage Issues		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFSS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2009/005996

**The international filing date of the corresponding PCT application(s) is/are:** November 6, 2009

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/590,451
------------------	------------

First Named Inventor:	Gary Grossman
-----------------------	---------------

- ☐ **WORKSHEET, WORKSHEET**  
Is attached

☒ Has already been filed in the above-identified U.S. application on September 15, 2010

- ☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on **September 15, 2010**

[illegible]

Signature <u>/kevin p. rizzuto/</u>	Date <u>February 16, 2011</u>
Name (Print/Typed) <u>Kevin P. Rizzuto</u>	Registration Number <u>59,229</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 1655 PCT	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2009/005996</b>	International filing date ( <i>day/month/year</i> ) <b>06 NOVEMBER 2009 (06.11.2009)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 06 NOVEMBER 2008 (06.11.2008)
Applicant  <b>SILVER SPRINGS NETWORKS, INC.</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 2

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US2009/005996

## A. CLASSIFICATION OF SUBJECT MATTER

*G06Q 50/00(2006.01)i*

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G06Q 50/00; G06F 17/60; G06F 19/00; G08C 15/06; H04M 11/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: identifying, resource, power, usage

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2003-0063723 A1 (DEREK BOOTH et al.) 03 April 2003 See Abstract, Claims 1-60 and Figs. 1-5	1-21
A	US 2002-0178047 A1 (ELLEN PAK-WAH OR et al.) 28 November 2002 See Abstract, Claims 1-5 and Figs. 1-26	1-21
A	US 2007-0247331 A1 (BRUCE ANGELIS et al.) 25 October 2007 See Abstract, Claims 1-22 and Figs. 1-6	1-21
A	US 6785620 B2 (KISHLOCK, TERESA et al.) 31 August 2004 See Abstract, Claims 1-28 and Figs. 1-4	1-21
A	US 6366889 B1 (ZALOOM, JOSEPH A.) 02 April 2002 See Abstract, Claims 1-37 and Figs. 1-30	1-21

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

23 JUNE 2010 (23.06.2010)

Date of mailing of the international search report

23 JUNE 2010 (23.06.2010)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-  
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

BAK, JUNYUNG

Telephone No. 82-42-481-5729



**INTERNATIONAL SEARCH REPORT**  
Information on patent family members

International application No.  
**PCT/US2009/005996**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2003-0063723 A1	03.04.2003	CA 2465941 A1 EP 1446937 A1 EP 1446937 A4 US 2005-0240315 A1 US 7561681 B2 WO 03-030509 A1	10.04.2003 18.08.2004 17.05.2006 27.10.2005 14.07.2009 10.04.2003
US 2002-0178047 A1	28.11.2002	None	
US 2007-0247331 A1	25.10.2007	None	
US 6785620 B2	31.08.2004	US 2001-020219 A1	06.09.2001
US 6366889 B1	02.04.2002	None	

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

GOTLIEB CHARLES ESQ.

INNOVATION PARTNERS 540 UNIVERSITY AVENUE  
SUITE 300 PALO ALTO CA 94301 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing

(day/month/year)

23 JUNE 2010 (23.06.2010)

Applicant's or agent's file reference

1655 PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2009/005996

International filing date (day/month/year)

06 NOVEMBER 2009 (06.11.2009)

Priority date(day/month/year)

06 NOVEMBER 2008 (06.11.2008)

International Patent Classification (IPC) or both national classification and IPC

G06Q 50/00(2006.01)

Applicant

SILVER SPRINGS NETWORKS, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140

Date of completion of this opinion

23 JUNE 2010 (23.06.2010)

Authorized officer

BAK, JUNYUNG

Telephone No.82-42-481-5729



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2009/005996**

**Box No. 1 Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2009/005996**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-21	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-21	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents.

D1: US 2003-0063723 A1 (DEREK BOOTH et al.) 03 April 2003  
D2: US 2002-0178047 A1 (ELLEN PAK-WAH OR et al.) 28 November 2002  
D3: US 2007-0247331 A1 (BRUCE ANGELIS et al.) 25 October 2007  
D4: US 6785620 B2 (KISHLOCK, TERESA et al.) 31 August 2004  
D5: US 6366889 B1 (ZALOOM, JOSEPH A.) 02 April 2002

**1. Novelty and Inventive Step**

**1.1. Claim 1-7**

The subject matter of **claim 1** differs from D1-D5 in that the method of **claim 1** comprises the steps of **receiving from the user an identifier of at least one device**; and **identifying exceptional use of the resource** responsive to the identifier and the use of the resource. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, **claim 1** meets the requirements of PCT Article 33(2)-(3).

**Claims 2-7**, which are dependent on **claim 1**, also meet the requirements of PCT Article 33(2)-(3).

**1.2. Claims 8-14 and 15-21**

The subject matter of **claims 8-14 and 15-21** is substantially the same as that of **claims 1-7**. Therefore, **Claims 8-14 and 15-21** also meet the requirements of PCT Article 33(2)-(3).

**2. Industrial Applicability**

**Claims 1-21** are industrially applicable under PCT Article 33(4).

What is claimed is:

1. A method of identifying resource use, comprising:

periodically receiving use of the resource from a meter;

graphically displaying to a user the resource use received from the meter over time;

identifying to the user at least one resource use area of the graph of the resource use over time

5 that indicates use of a resource by at least one device responsive to at least one steep slope of the graph;

receiving from the user an identifier of at least one of the at least one device that caused the resource to be used in the manner corresponding to at least one of the at least one resource use area;

identifying exceptional use of the resource responsive to the identifier of the at least one of the at least one device and the use of the resource; and

10 providing information regarding correcting the exceptional use.

2. The method of claim 1, additionally comprising:

receiving information about the price of the resource; and

identifying the cost of the resource use area to the user.

3. The method of claim 1, wherein the information regarding correcting the exceptional use is provided directly to the user.

4. The method of claim 1, wherein the information regarding correcting the exceptional use is provided to a party other than the user.

5. The method of claim 4:

wherein the party other than the user is a retailer; and

the retailer contacts the user regarding reducing the resource use responsive to the information regarding correcting the exceptional use.

6. The method of claim 1:

additionally comprising receiving information regarding known use of the resource by at least one other device, other than the at least one device; and

5 wherein the exceptional use is identified additionally responsive to the known use of the resource by the at least one other device.

7. The method of claim 1:

additionally comprising receiving information regarding weather; and

wherein the exceptional use is identified additionally responsive to the weather information received.

8. A system for identifying resource use, comprising:

a resource information manager having an input coupled to a meter that measures use of a resource by multiple devices, the resource information manager for periodically receiving a quantity of use of the resource from the meter, adding date and time of use to the quantity of use, and providing a plurality of said quantities of use of the resource and date and time at an output;

a display manager having an input coupled to the resource information manager output for receiving the plurality of quantities of use of the resource and date and time, the display manager for providing at an output information used for graphically displaying to a user the resource use received from the meter over time;

an area assignment manager having an input coupled to the display manager output for receiving the information used for graphically displaying to the user the resource use received from the meter over time, the area assignment manager for identifying to the user at an output at least one resource use area of the graph of the resource use over time that indicates use of a resource by at least one device responsive to at least one steep slope of the graph;

a resource use area manager having an input for receiving from the user an identifier of at least one of the at least one device that caused the resource to be used in the manner corresponding to at least one of the at least one resource use area, the resource use area manager for providing the identifier at an output;

a resource analyzer having an input coupled to the resource use area manager output for receiving the identifier and to the resource information manager output for receiving the plurality of quantities of use of the resource and date and time, the resource analyzer for identifying at an output information regarding exceptional use of the resource responsive to the identifier of the at least one of the at least one device and the use of the resource; and

a suggestion manager having an input coupled to the resource analyzer output for receiving the information regarding exceptional use of the resource, and for providing at an output information regarding correcting the exceptional use.

9. The system of claim 8, wherein:

the area assignment manager input is additionally for receiving information about the price of the resource, the resource information manager for providing the information about the price of the resource at an output; and

the area assignment manager is additionally for identifying to the user at the output the cost of the resource use area to the user.

10. The system of claim 8, wherein the information regarding correcting the exceptional use is provided directly to the user.

11. The system of claim 8, wherein the information regarding correcting the exceptional use is provided to a party other than the user.

12. The system of claim 11:



wherein the party other than the user is a retailer; and  
the retailer contacts the user regarding reducing the resource use responsive to the information regarding correcting the exceptional use.

13. The system of claim 8 wherein:

the resource analyzer input is additionally for receiving information regarding known use of the resource by at least one other device, other than the at least one device; and

5 the resource analyzer identifies the exceptional use additionally responsive to the known use of the resource by the at least one other device.

14. The system of claim 8:

additionally comprising receiving information regarding weather; and

the exceptional use is identified additionally responsive to the weather information received.

15. A computer program product comprising a computer useable medium having computer readable program code embodied therein for identifying resource use, the computer program product comprising computer readable program code devices configured to cause a computer system to:

periodically receive use of the resource from a meter;

5 graphically display to a user the resource use received from the meter over time;

identify to the user at least one resource use area of the graph of the resource use over time that indicates use of a resource by at least one device responsive to at least one steep slope of the graph;

receive from the user an identifier of at least one of the at least one device that caused the resource to be used in the manner corresponding to at least one of the at least one resource use area;

10 identify exceptional use of the resource responsive to the identifier of the at least one of the at least one device and the use of the resource; and

provide information regarding correcting the exceptional use.

16 The computer program product of claim 15, additionally comprising computer readable program code devices configured to cause the computer system to:

receive information about the price of the resource; and

identify the cost of the resource use area to the user.

17. The computer program product of claim 15, wherein the information regarding correcting the exceptional use is provided directly to the user.

18. The computer program product of claim 15, wherein the information regarding correcting the exceptional use is provided to a party other than the user.

19. The computer program product of claim 18:

wherein the party other than the user is a retailer; and

the retailer contacts the user regarding reducing the resource use responsive to the information regarding correcting the exceptional use.

20. The computer program product of claim 15:

additionally comprising computer readable program code devices configured to cause the

computer system to receive information regarding known use of the resource by at least one other device, other than the at least one device; and

5            wherein the exceptional use is identified additionally responsive to the known use of the resource by the at least one other device.

21. The computer program product of claim 15:

            additionally comprising computer readable program code devices configured to cause the computer system to receive information regarding weather; and

5            wherein the exceptional use is identified additionally responsive to the weather information received.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/590,451	11/06/2009	Gary Grossman	086485-9035-01	5559
95486 7590 04/01/2011 Michael Best & Friedrich LLP 100 East Wisconsin Avenue Suite 3300 Milwaukee, WI 53202			EXAMINER WANG, ANDREW J	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 04/01/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee WI 53202

In re Application of	:	
GROSSMAN, GARY, et. al.	:	DECISION ON REQUEST TO
Application No. 12/590,451	:	PARTICIPATE IN PATENT
Filed: November 6, 2009	:	PROSECUTION HIGHWAY
Att. Docket No. 086485-9035-01	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 29, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and
- (7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s) and copies of all of the documents cited in the international work products of the PCT application (unless

copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

---

Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**HOXIE & ASSOCIATES LLC  
75 MAIN STREET , SUITE 301  
MILLBURN NJ 07041**

**MAILED**

**OCT 15 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Ernest Osgood Ross :  
Application No. 12/590,460 : **DECISION ON PETITION**  
Filed: November 6, 2009 :  
Attorney Docket No. AC-64-USC :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed November 25, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the above-identified application became abandoned on June 26, 2010. A Notice of Abandonment was mailed on August 19, 2010.

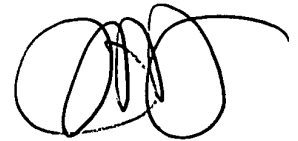
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration; (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski  
Petitions Examiner  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**



Paper No.: \_\_\_\_\_

DATE : 05/23/11

TO SPE OF : ART UNIT 2437

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/590,553 Patent No.: 7913087

CofC mailroom date: 05/18/11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**  
**Randolph Square – 9D10-A**  
**Palm Location 7580**

**RoChaun Johnson**  
**Certificates of Correction Branch**  
**703-756-1580**

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☐ **Approved**

**All changes apply.**

☒ **Approved in Part**

**Specify below which changes do not apply.**

☐ **Denied**

**State the reasons for denial below.**

**Comments:** Approved in Part.

Page 1 of the COC requested for Cover page is Not approved to enter. Page

1 of the COC requested for col. 8 and 9 is ok to enter. Page 2 of the COC

requested for col. 13 lines 20-36 is NOT approved because the formula does not match the previous formula.

Page 3 of the COC requested for col. 16 lines 41-45 is NOT approved because the formula does not match the previous formula.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Page 3 of the COC requested for col. 19 lines 27-**

**51 is ok to enter.**

**/E.S/**

**2437**

**SPE**

**Art Unit**





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/590,610	11/11/2009	Tadashi Sakai	4041J-001618/US	9284

7590 05/16/2011  
HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER
----------

KEITH, JACK W

ART UNIT	PAPER NUMBER
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3663

MAIL DATE	DELIVERY MODE
-----------	---------------

05/16/2011

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Nomi Tarnes*  
Patent Publication Branch  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**MAILED**

FEB 09 2012

**HARNESS, DICKEY & PIERCE, PLC  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303**

**OFFICE OF PETITIONS**

**In re Application of  
Tatsuki TANAKA  
Application No.: 12/590,616  
Filed: November 10, 2009  
Attorney Docket No.: 4041J-001616/US  
For: Communications Network of  
Passenger Protection System**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 22, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

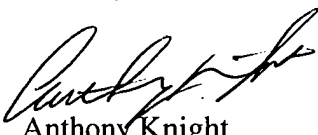
1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority under 35 U.S.C 365 (b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority under 35 U.S.C 365 (b) to an application filed in the JPO, or
    - ii. validly claims priority under 35 U.S.C 365 (b) to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) if not in English and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. a copy: all office action(s) from of each of the JPO application(s) containing the allowable/patentable claim(s)
  - b. An English language translation of the JPO Office action if not in English
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action(s) (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition do not comply with the above requirement: (4). A notice of allowance was mailed by the examiner on January 11, 2012.

Telephone inquiries concerning this decision should be directed to Joanne Hama at 571-272-2911 or in her absence, David Bucci at 571-272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

  
Anthony Knight  
Director  
Office of Petitions



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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.  
P O BOX 458  
ALAMEDA CA 94501

**MAILED**

**FEB 10 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Parce et al.	:	
Application No. 12/590,619	:	DECISION ON PETITION
Filed: November 9, 2009	:	TO WITHDRAW
Attorney Docket No. 157-004321US	:	FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed January 5, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

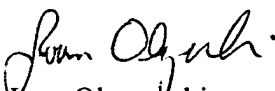
The request was signed by Jonathan Alan Quine on behalf of all attorneys of record who are associated with Customer Number 22798. Further, Mr. Quine asserts "The client has instructed transfer of this case."

All attorneys/agents associated with the Customer Number 22798 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12590619	
Filing Date	09-Nov-2009	
First Named Inventor	J. Parce	
Art Unit	1734	
Examiner Name	CAROL KOSLOW	
Attorney Docket Number	PNK0800USD2	
Title	NANOCRYSTAL DOPED MATRIXES	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/James J. Merrick/
Name	James J. Merrick
Registration Number	43801



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P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date : October 18,2011

In re Application of :

J. Parce

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12590619

Filed : 09-Nov-2009

Attorney Docket No : PNK0800USD2

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 18,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1734 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/590,652	11/12/2009	Daniel Pachner	H0023972	4198
92689	7590	05/02/2011		
HONEYWELL/SLW Patent Services 101 Columbia Road P.O. Box 2245 Morristown, NJ 07962-2245			EXAMINER DECADY, ALBERT	
			ART UNIT 2121	PAPER NUMBER
			NOTIFICATION DATE 05/02/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentservices-us@honeywell.com  
uspto@slwip.com  
request@slwip.com





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HONEYWELL/SLW  
Patent Services  
101 Columbia Road  
P.O. Box 2245  
Morristown NJ 07962-2245

In re Application of:  
PACHNER, Daniel et al.  
Application No. 12/590,652  
Filed: November 12, 2009  
For: **SYSTEM IDENTIFICATION IN  
AUTOMATED PROCESS CONTROL**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on November 12, 2009 requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1-11 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 1-11. However, the specification does not contain the required notification described above.

Accordingly, the petition is **DISMISSED**.

*A renewed petition under 37 CFR § 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If applicant fails to file a renewed petition within TWO (2) MONTHS, the drawings will be printed in black and white.*

Serial No.: 12/590652  
Decision on Petition

- 2 -

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*/Eddie C. Lee*

---

Eddie C. Lee  
Quality Assurance Specialist, TC 2100



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/590,652	11/12/2009	Daniel Pachner	H0023972	4198
92689	7590	07/14/2011	EXAMINER	
HONEYWELL/SLW			DECADY, ALBERT	
Patent Services			ART UNIT	PAPER NUMBER
101 Columbia Road			2121	
P.O. Box 2245				
Morristown, NJ 07962-2245			NOTIFICATION DATE	DELIVERY MODE
			07/14/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentservices-us@honeywell.com  
uspto@slwip.com  
request@slwip.com



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HONEYWELL/SLW  
Patent Services  
101 Columbia Road  
P.O. Box 2245  
Morristown NJ 07962-2245

In re Application of:  
PACHNER, Daniel et al.  
Application No. 12/590,652  
Filed: November 12, 2009  
For: **SYSTEM IDENTIFICATION IN  
AUTOMATED PROCESS CONTROL**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the renewed petition under 37 C.F.R. § 1.84(a)(2), filed on June 2, 2011, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1-11 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 1-11. The amendment filed June 2, 2011 to the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*/Eddie C. Lee*

Eddie C. Lee  
Quality Assurance Specialist, TC 2100



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COLLEN A BEARD, ESQ.  
2225 CENTENNIAL DRIVE  
GAINESVILLE, GA 30504

**MAILED**

**MAR 05 2012**

**OFFICE OF PETITIONS**

In re Application of  
Jeffrey S. Kiel, et al.  
Application No. 12/590,665  
Filed: November 12, 2009  
Attorney Docket No. 09-020-US

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2012.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of a law firm file with a Request to Withdraw, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



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JORDAN AND HAMBURG LLP  
122 EAST 42ND STREET  
SUITE 4000  
NEW YORK NY 10168

**MAILED**

**APR 25 2011**

**OFFICE OF PETITIONS**

In re Application of

Kodama, et al.

Application No. 12/590,672

Filed: November 12, 2009

Attorney Docket No. **F-10177**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed March 31, 2011.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on January 9, 2011, after it was believed that no response was received to the non-final Office action mailed October 8, 2010. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was not mailed, but the application went abandoned January 9, 2011.

Petitioner states that an amendment responsive to the non-final Office action was mailed on January 10, 2011. The amendment was not found in the Image File Wrapper for the application. However, the petition was accompanied by a copy of the amendment containing a certificate of mailing under 37 CFR 1.8 dated January 10, 2011. Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was deposited with the United States Postal Service, first class mail prior to the expiration of the shortened statutory period for reply and the amendment contained a certificate of mailing under 37 CFR 1.8. The holding of abandonment is withdrawn, accordingly.

The application file is being directed to Technology Center GAU 1732 for further processing.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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PO BOX 96503 #37585  
Washington DC 20090-6503

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of  
Keith Alan Anderson  
Application No. 12/590,683  
Filed: November 12, 2009  
Attorney Docket No. **WP-1**

**ON PETITION**

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application (Notice), mailed December 8, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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KEVIN MATTHEW WELCH  
P.O. BOX 494  
HERMOSA BEACH CA 90254

MAILED

OCT 15 2010

OFFICE OF PETITIONS

In re Application of :  
William B. Faith :  
Application No. 12/590,692 : DECISION ON PETITION  
Filed: November 12, 2009 :  
Attorney Docket No. FAITH-P1000 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed December 3, 2009, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 4, 2010. A Notice of Abandonment was mailed on August 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement claims, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski  
Petitions Examiner  
Office of Petitions





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/590,717	11/12/2009	Ibrahim Abou Hamad	2008.0684	5527
7590 12/22/2010				
Larry A. Schemmel		EXAMINER		
Office of the Attorney General		ASSOUAD, PATRICK J		
P.O. Box 1850		ART UNIT		PAPER NUMBER
Jackson, MS 39215-1850		2858		
		MAIL DATE		DELIVERY MODE
		12/22/2010		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Larry A. Schemmel  
Office of the Attorney General  
P.O. Box 1850  
Jackson MS 39215-1850

Applicant: Hamad et al.  
Appl. No.: 12/590,717  
Filing Date: November 12, 2009  
Title: SYSTEM AND METHOD FOR CHARGING RECHARGEABLE BATTERIES  
Attorney Docket No.: 2008.0684  
Pub. No.: US 2010/0156357 A1  
Pub. Date: June 24, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 29, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the applicant submitted his request via facsimile rather than via the electronic filing system. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

A handwritten signature in black ink, appearing to read "Tammy J. Koontz", with a large, stylized flourish at the end.

Tammy J. Koontz  
Office of Data Management  
United States Patent & Trademark Office

Adjustment date: 12/22/2010 KKING1  
11/30/2010 HMARZ11 00000036 505239 12590717  
01 FC:1504 300.00 CR



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**ROSSI, KIMMS & MCDOWELL LLP.**  
**20609 GORDON PARK SQUARE, SUITE 150**  
**ASHBURN VA 20147**

**MAILED**

**SEP 14 2010**

In re Application of	:	OFFICE OF PETITIONS
Genichiro Kudo	:	
Application No. 12/590,719	:	DECISION GRANTING
Filed: November 11, 2009	:	PETITION
Attorney Docket No. CANO-0991	:	

This is a decision on the renewed petition filed July 23, 2010, requesting that the above-identified application be accorded a filing date of November 11, 2009. Currently, the filing date of November 12, 2009 has been assigned. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on November 11, 2009, pursuant to 37 CFR 1.10. To substantiate petitioner's assertion that the package in question was deposited with the USPS as Express Mail on November 11, 2009, petitioner has submitted the USPS Express Mail Track and Confirm records for EGO13889537US, which resulted in a finding that the package in question was in fact accepted on November 11, 2009, at 4:13 p.m. at the Honolulu, HI USPS.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on November 11, 2009. Accordingly, the instant application is entitled to a filing date of November 11, 2009 and has been so accorded.

In view of the above, the petition is **GRANTED**.

Further, petitioner Lyle Kimms contends, "Applicant previously petitioned to have the filing date corrected to the Acceptance (date-in) of 11 November 2009." It should be noted, however, that the petitioner previously requested the filing date be corrected to November 10, 2009, as USPTO records reveal. In no part of the previous petition was there a request for the application to be accorded a filing date of November 11, 2009.

This matter is being referred to the Office of Patent Application Processing (OPAP) for **correction of the filing date to November 11, 2009 and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Joan Olszewski at (571) 272-7751. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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**MAILED**

**JUN 23 2011**

**OFFICE OF PETITIONS**

**BARNES & THORNBURG LLP  
P.O. BOX 2786  
CHICAGO IL 60690-2786**

In re Application of	:	
RYAN-BOHAC	:	
Application No. 12/590,776	:	DECISION ON PETITION
Filed: November 13, 2009	:	TO WITHDRAW
Attorney Docket No. 48136-110637	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 26, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Alice O. Martin on behalf of the attorneys of record associated with Customer No. 23644.

The attorneys of record associated with Customer No. 23644 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: CAROLINA ADVANCED RENEWABLE ENERGY, LLC  
C/O JANICE RYAN-BOHAC  
5775 WYNCLIFF ROAD  
NORTH CHARLESTON SC 29418



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BARNES & THORNBURG LLP  
P.O. Box 2786  
CHICAGO IL 60690-2786

**MAILED**  
**MAY 16 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Janice Ryan-Bohac :  
Application No. 12/590,789 :  
Filed: November 13, 2009 :  
Attorney Docket No. **48136-110636** :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed April 26, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Alice O. Martin on behalf of all attorneys of record who are associated with Customer Number 23644.

All attorneys/agents associated with Customer Number 23644 have been withdrawn.

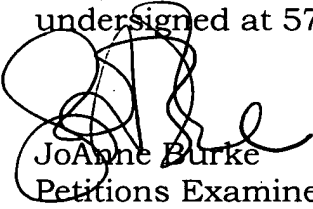
Applicant is reminded that there is no attorney of record at this time.



The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.



JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: Carolina Advanced Renewable Energy, LLC  
c/o Janice Ryan-Bohac  
5775 Wyncliff Road  
North Charleston, SC 29418



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/590,789	11/13/2009	Janice Ryan-Bohac	48136-110636

23644  
BARNES & THORNBURG LLP  
P.O. Box 2786  
CHICAGO, IL 60690-2786

**CONFIRMATION NO. 6314**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 05/13/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/26/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/590,801	11/12/2009	Leonard Presta	146392008404	7011
25226 7590 03/20/2012 MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			EXAMINER DAHLE, CHUN WU	
			ART UNIT 1644	PAPER NUMBER
			NOTIFICATION DATE 03/20/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

EOfficePA@mofo.com  
drcaldwell@mofo.com  
PatentDocket@mofo.com



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March 19, 2012

MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO CA 94304-1018

In re Application of	:	
PRESTA, LEONARDI	:	<b>DECISION ON PETITION</b>
Application No. 12/590,801	:	
Filed: 11/12/2009	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 14639008404	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 12, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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March 19, 2012

MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO CA 94304-1018

In re Application of	:	
PRESTA, LEONARDI	:	<b>DECISION ON PETITION</b>
Application No. 12/590,801	:	
Filed: 11/12/2009	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 14639008404	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 12, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/  
Quality Control Specialist  
Office of Data Management  
Publications Branch



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Alexandria, VA 22313-1450

K & L GATES LLP  
3580 CARMEL MOUNTAIN ROAD  
SUITE 200  
SAN DIEGO, CA 92130

**MAILED**

**JAN 26 2011**

**OFFICE OF PETITIONS**

Applicant: Lin Zhi, et al.  
Appl. No.: 12/590,805  
Filing Date: November 13, 2009  
Title: BICYCLIC ANDROGEN AND PROGESTERONE RECEPTOR  
MODULATOR COMPOUNDS AND METHODS  
Attorney Docket No.: 3800024.00569/1073D  
Pub. No.: US 2010/0069379 A1  
Pub. Date: March 18, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 21, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

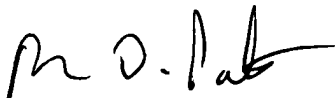
A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read "M. Polutta", with a stylized flourish at the end.

Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



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DAVID LEWIS  
1250 AVIATION AVE., SUITE 200B  
SAN JOSE CA 95110

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Ethan EYRE	:	
Application No. 12/590,853	:	DECISION ON PETITION
Effective Date: November 12, 2009	:	
Attorney Docket No. 17-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 03, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 04, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and fee, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of December 03, 2009 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and



Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

This application is being referred to the Office Patent Application Processing.

A handwritten signature in cursive script, appearing to read "Michelle R. Eason".

Michelle R. Eason  
Petitions Examiner  
Office of Petitions



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**THORATEC CORPORATION  
C/O LEVINE BAGADE HAN LLP  
2400 GENG ROAD  
SUITE 120  
PALO ALTO, CA 94303**

**MAILED**

**NOV 22 2010**

**OFFICE OF PETITIONS**

In re Application of

**REICHENBACH, Steven H. et al.**

Application No. 12/590,863

Filed: November 15, 2009

Attorney Docket No. **055590.00274**

:  
:  
: **DECISION ON PETITION**  
: **TO WITHDRAW**  
: **FROM RECORD**  
:

This is a decision on the Requests to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2010 and resubmitted October 15, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Levine Bagade Han LLP has been revoked by the assignee of the patent application on October 20, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **SQUIRE, SANDERS & DEMPSEY L.L.P.  
275 BATTERY STREET, SUITE 2600  
SAN FRANCISCO CA 94111-3356**



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LEVINE BAGADE HAN LLP  
2400 GENG ROAD, SUITE 120  
PALO ALTO, CA 94303

**MAILED**

DEC 30 2010

**OFFICE OF PETITIONS**

In re Application	:	
Hoarau et al.	:	DECISION ON PETITION
Application No. 12/590,864	:	TO WITHDRAW
Filed: November 15, 2009	:	FROM RECORD
Attorney Docket No. 055590.00275	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2010 and supplemented on October 15, 2010.

The request is **DISMISSED** because it is moot.

A review of the file record indicates that Levine Bagade Han LLP was revoked from power of attorney by the assignee of record. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: SQUIRE, SANDERS & DEMPSEY L.L.P.  
275 BATTERY STREET, SUITE 2600  
SAN FRANCISCO, CA 94111-3356



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BERT VERMEULEN  
1824C PEARL STREET  
BOULDER CO 80302

**MAILED**

**DEC 30 2010**

**OFFICE OF PETITIONS**

In re Application of  
Pierre Touma et al.  
Application No. 12/590,897  
Filed: November 16, 2009  
Title of Invention: Pointer And Controller Based  
On Spherical Coordinates System And System  
For Use

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),<sup>1</sup> filed December 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers mailed on December 7, 2009, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained prior to the abandonment. Accordingly, a Notice of Abandonment was mailed August 18, 2010.

<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

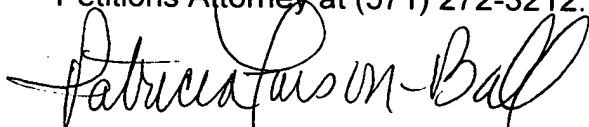
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Receipt of the substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3) and 1.125 is acknowledged.

The record reveals that a five month extension of time was filed with the instant petition, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1175.00 extension of time fee submitted with the petition on December 8, 2010, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited back to the credit card provided.

The application is being forwarded to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, appearing to read "Patricia Faison-Ball", written in a cursive style.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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**CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP**  
**601 SW SECOND AVENUE**  
**SUITE 1600**  
**PORTLAND OR 97204-3157**

**MAILED**

**OCT 06 2011**

In re Application of  
Negishi et al.  
Application No. 12/590,955  
Filed: November 16, 2009  
Attorney Docket No. 1016.2148

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:  
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:  
:

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 29, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Kevin L. Russell, on behalf of all attorneys/agents of record who are associated with Customer Number 152.

All attorneys/agents associated with the Customer Number 152 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Cascade Microtech, Inc.  
Attn: Joe Shallenburger  
9100 SW Gemini Drive  
Beaverton, OR 97008



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/590,974	11/17/2009	Kazuyoshi Azuma	4041J-001626/US	8747
27572 7590 11/22/2011 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER AKINYEMI, AJIBOLA A	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 11/22/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





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**HARNESSE, DICKEY & PIERCE, P.L.C.**  
**P.O. BOX 828**  
**BLOOMFIELD HILLS MI 48303**

**In re Application of**

**Kazuyoshi AZUMA**

**Application No.: 12/590,974**

**Filed: 17 November 2009**

**Attorney Docket No.: 4041J-001626/US**

**For: IN-VEHICLE APPARATUS,  
CELLULAR PHONE DEVICE, AND  
METHOD FOR CONTROLLING  
COMMUNICATION  
THEREBETWEEN**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 11 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
Quality Assurance Specialist  
Technology Center 2600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON VA 20191

**MAILED**  
**FEB 07 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Hiroyuki Hirano  
Application No.: 12/591,027  
Filed: November 5, 2009  
Attorney Docket No.: 01-1929

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 21, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or


- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

  
David Bugci  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/591,045	11/05/2009	Nobuhiro Kato	143466	1385
7590 07/11/2011 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER RIVELL, JOHN A	
			ART UNIT 3753	PAPER NUMBER
			NOTIFICATION DATE 07/11/2011	DELIVERY MODE ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Wanlie Zheng

Application No. 12591053

Filed: November 5, 2009

Attorney Docket No. ZHG-001

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAR-2012 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12591053	Confirmation Number	6181	Filing Date	2009-11-05
Attorney Docket Number (optional)	ZHG-001	Art Unit		Examiner	
First Named Inventor	WANLIE ZHENG				
Title of Invention	COOLING DEVICE AND SYSTEM				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
WANLIE		ZHENG			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/John A Parrish/		Date (YYYY-MM-DD)	2012-03-09	
Name	John A. Parrish		Registration Number	31918	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
Wanlie Zheng

Application No. 12591053

Filed: November 5, 2009

Attorney Docket No. ZHG-001

:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAR-2012 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND  
THE USPTO**

Application No:	12/591,113	Filing date:	November 9, 2009
First Named Inventor:	Randall Wilson		
Title of the Invention:	Orthorectifying Stitched Oblique Imagery To A Nadir View, And Applications Thereof		

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE  
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/US2010/056013

**The international filing date of the corresponding  
PCT application(s) is/are:** November 9, 2010

**I. List of Required Documents:**

**a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

**b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

**c. English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.**

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

Application No.:	12/591,113
------------------	------------

First Named Inventor: Randall Wilson

- ☐ is attached

Has already been filed in the above-identified U.S. application on April 15, 2011

- ☐ Are attached.

Have already been filed in the above-identified U.S. application on April 15, 2011

[illegible]

Signature <i>[Handwritten Signature]</i>	Date <i>8/29/2011</i>
Name (Print/Typed) <b>Joseph E. Mutschelknaus</b>	Registration Number <b>63,285</b>

**Claims Correspondence Table for PCT-PPH Request**

<b>Claims in U.S. Application</b>	<b>Patentable Claims in the corresponding PCT Application</b>	<b>Explanations regarding the correspondence</b>
1	1	Identical text
2	2	Identical text
3	3	Identical text
4	4	Identical text
5	5	Identical text
6	6	Identical text
7	7	Identical text
8	8	Identical text
9	9	Identical text
10	10	Identical text
11	11	Identical text
12	12	Identical text, except PCT claim has additional identifiers such as (a), (b), (i), and (ii)
13	13	Identical text
14	14	Identical text
15	15	Identical text
16	16	Identical text
17	17	Identical text
18	18	Identical text
19	19	Identical text
20	20	Identical text, except PCT claim has additional identifiers such as (a), (b)
21	21	Identical text, except PCT claim has additional identifiers such as (a), (b)
22	22	Identical text
23	23	Identical text

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

# PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2010/056013

International filing date (day/month/year)  
09.11.2010

Priority date (day/month/year)  
09.11.2009

International Patent Classification (IPC) or both national classification and IPC  
INV. G06T3/00

Applicant  
GOOGLE INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Zamuner, Umberto

Telephone No. +49 89 2399-7407



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2010/056013

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. (means)
    - ☐ on paper
    - ☐ in electronic form
  - b. (time)
    - ☐ in the international application as filed
    - ☐ together with the international application in electronic form
    - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

---

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

---

1. Statement

Novelty (N)	Yes: Claims	<u>1-23</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-23</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-23</u>
	No: Claims	

2. Citations and explanations

**see separate sheet**

Reference is made to the following document:

D1            US 2007/237420 A1 (STEEDLY DREW [US] ET AL) 11 October 2007  
(2007-10-11)

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability.**

The application relates to image mapping, in particular to mapping of oblique photographic images onto a 3D model of a terrain.

Document D1 discloses a method that first projects each oblique image onto a geometric model of the scene and then renders the images from a desired (oblique) viewpoint, for example according to a view with parallel projections (isometric view), see D1, par.[0017], Fig. 3A and \*B).

Afterwards, optimum seams are identified along the border of the adjacent images to blend the images into a mosaic.

The mapping of D1 is burdensome because the parallel projection mapping has to consider three coordinates of each point of the model for the mapping.

To avoid this burdensome computation, the method of **claim 1**, after projecting a oblique photographic image onto a 3D model, renders it to a nadir (top-down) view according to a parallel projection (see Fig. 2); in this way, only two coordinates for each point have to be taken into account, because the elevation, in a nadir view, is not considered; afterward, the image is orthorectified and adjusted according to the angle of view (tilt angle) from which the oblique image has been captured.

D1 does not disclose the intermediate step of (re-)projecting the mapped image onto a nadir view before adjusting it according to the desired (oblique) angle of view. Even though D1 shows that one of the possible parallel projections is a nadir one (D1, Fig. 3B, Fig. 8), this is the final result of the method of D1, that instead tries to solve other problems like deriving from the parallel view mapping like the appearance of "holes" in the final image.

No hint is given for the use of a nadir view as an intermediate step before obtaining the desired output.

Therefore, **claim 1** is considered as being **novel** and involving an **inventive step** (Art. 33 (2) and (3) PCT).

**Claims 2 to 11** are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

The above statements apply to the corresponding system **claims 12 to 22**, mutatis mutandis.

Independent method **claim 23** claims an alternative to the method of claim 1 in that, instead of first projecting the oblique image onto the three-dimensional model and then sampling those points onto the nadir view, the order of those steps is reversed for the same result.

**Claim 23** therefore share with claim 1 the same inventive concept and is also **novel and inventive** for the same reasons as above.



Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

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General information

For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.

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Amending claims under Art. 19 PCT

Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.

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Filing a demand for international preliminary examination

In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).

If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).

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Filing informal comments

After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.

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End of the international phase

At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).

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Relevant PCT Rules and more information

Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

## WHAT IS CLAIMED IS:

1. A method for orthorectifying oblique photographic imagery, comprising:
  - (a) projecting an oblique photographic image onto three-dimensional model of terrain;
  - (b) sampling points of the projected photographic image from a viewport having a nadir perspective, the points being at the intersection of the three-dimensional model of terrain and parallel rays extended from the viewport;
  - (c) assembling the sampled points into an orthorectified image; and
  - (d) adjusting the orthorectified image or the sampled points approximately according to a difference in tilt angle between a camera that captured the oblique photographic image and the viewport having the nadir perspective to generate a foreshortened orthorectified image,  
  
wherein each location in the foreshortened orthorectified image corresponds linearly to a corresponding location in a two-dimensional map.
2. The method of claim 1, wherein the adjusting (d) comprises shrinking the orthorectified image in the vertical direction.
3. The method of claim 2, wherein the shrinking comprises shrinking the orthorectified image in the vertical direction by a factor between 1.154 to 2.0 inclusive.
4. The method of claim 1, wherein the adjusting (d) comprises adjusting the sampling points such that points are sampled more frequently in the horizontal direction than in the vertical direction.
5. The method of claim 4, wherein the distance between points sampled in the horizontal direction times a factor is approximately equal to the distance between points sampled in the vertical direction, wherein the factor is between 1.154 to 2.0 inclusive.

6. The method of claim 1, further comprising:
  - (e) prior to the projecting (a), smoothing the three-dimensional model of terrain, wherein the projecting (a) comprises projecting the oblique photographic image onto the smoothed three-dimensional model of terrain.
7. The method of claim 6, wherein the smoothing (e) comprises applying a box filter algorithm to the three-dimensional model of terrain.
8. The method of claim 1, wherein the oblique photographic image is an aerial image of the Earth, and  
  
wherein the three-dimensional model of terrain is a three-dimensional model of the Earth.
9. The method of claim 1, further comprising:
  - (e) repeating (a)-(c) for each of a plurality of oblique photographic images to determine a plurality of orthorectified images; and
  - (f) determining a mosaic of orthorectified images based on the plurality of orthorectified images using a graph cut algorithm.
10. The method of claim 1, further comprising:
  - (e) overlaying map data onto at least a portion of the foreshortened orthorectified image, wherein each element of the map data is positioned at a location on the foreshortened orthorectified image that corresponds linearly to a corresponding location of the element of the map data.
11. The method of claim 10, wherein the map data comprises road data.
12. A system for orthorectifying oblique photographic imagery, comprising:
  - (a) a projector module configured to project an oblique photographic image onto three-dimensional model of terrain; and
  - (b) a sampler module configured to:

- (i) sample points from the projected photographic image from a viewport having a nadir perspective, the points being located at the intersection of the three-dimensional model of terrain and parallel rays extended from the viewport, and
- (ii) assemble the sampled points into an orthorectified image; and
- (c) a foreshortening module configured to adjust the orthorectified image or the sampled points approximately according to a difference in tilt angle between a camera that captured the oblique photographic image and the viewport having the nadir perspective to generate a foreshortened orthorectified image,

wherein each location in the foreshortened orthorectified image corresponds linearly to a corresponding location in a two-dimensional map.

13. The system of claim 12, wherein the foreshortening module is configured to shrink the orthorectified image in the vertical direction.
14. The system of claim 13, wherein the foreshortening module is configured to shrink the orthorectified image in the vertical direction by a factor between 1.154 to 2.0 inclusive.
15. The system of claim 12, wherein the foreshortening module is configured to adjust the sampling points such that points are sampled more frequently in the horizontal direction than in the vertical direction.
16. The system of claim 15, wherein the number of points in the vertical direction times a factor is approximately equal to the number of points sampled in the horizontal direction, wherein the factor is between 1.154 to 2.0 inclusive.
17. The system of claim 12, further comprising:
  - (a) a smoothing module configured to smooth the three-dimensional model of terrain,  
wherein the projector module is configured to project an oblique photographic image onto the smoothed three-dimensional model of terrain.

18. The system of claim 17, wherein the smoothing module is configured to apply a box filter algorithm to the three-dimensional model of terrain.
19. The system of claim 12, wherein the oblique photographic image is an aerial image of the Earth.
20. The system of claim 12, further comprising:
  - (a) an orthorectification module configured to instruct the projector module and sampler module to repeatedly project and sample for a plurality of oblique photographic images to determine a plurality of foreshortened orthorectified images; and
  - (b) a mosaic module configured to determine a mosaic of orthorectified images based on the plurality of foreshortened orthorectified images using a graph cut algorithm.
21. The system of claim 20, further comprising:
  - (a) a tile locator module that identifies an orthorectified image tile from the mosaic of orthorectified images corresponding to a location; and
  - (b) a map data locator module that identifies map data corresponding linearly to the location.
22. The system of claim 21, wherein the map data comprises road data.
23. A method for orthorectifying oblique photographic imagery, comprising:
  - (a) determining a point on a three-dimensional model of terrain for each point in a nadir viewport, each point being at the intersection of the three-dimensional model of terrain and parallel rays extended from the nadir viewport;
  - (b) projecting each point determined in (a) to a position of a camera model that took an oblique photographic image to sample a point on the oblique photographic image;
  - (c) assembling the sampled points into an orthorectified image; and

- (d) adjusting the orthorectified image or the sampled points approximately according to a difference in tilt angle between a camera that captured the oblique photographic image and the viewport having the nadir perspective to generate a foreshortened orthorectified image,

wherein each location in the foreshortened orthorectified image corresponds linearly to a corresponding location in a two-dimensional map.



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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/591,113	11/09/2009	Randall Wilson	2525.2240000	3715
66777 7590 09/16/2011 STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER DASTOURI, MEHRDAD	
			ART UNIT 2486	PAPER NUMBER
			MAIL DATE 09/16/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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STERNE, KESSLER, GOLDSTEIN &  
FOX, P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

In re Application of: WILSON et al.  
Application No. **12/591,113**  
Filed: November 9, 2009  
For: ORTHORECTIFYING STITCHED  
OBLIQUE IMAGERY TO A NADIR  
VIEW, AND APPLICATIONS THEREOF

DECISION ON REQUEST TO  
PARTICIPATE IN PCT-PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
§1.102(a)

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR §1.102(a), filed **August 29, 2011**, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.



(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English.

The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition comply with all the above requirements.

Accordingly, the above-identified application has been accorded "**special**" status.

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at (571) 272-3902. As a second point of contact Hassan Kizou at (571) 272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Beatriz Prieto/

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Beatriz Prieto  
Quality Assurance Specialist  
Technology Center 2400



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Hoffman, Wasson & Gitler, P.C.  
2461 South Clark Street, Suite 522  
Arlington, VA 22202

**MAILED**

NOV 01 2010

In re Application of	:	<b>OFFICE OF PETITIONS</b>
<b>Osvaldo R. HAURIE</b> , et al.	:	
Application No. 12/591,126	:	DECISION ON PETITION TO
Filed: November 9, 2009	:	MAKE SPECIAL UNDER
Attorney Docket No. A_9635.CIP.RNFMPat	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Osvaldo R. Haurie, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

The application is being forwarded to the Office of Patent Application Processing commensurate with this decision.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions



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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD VA 22116

**MAILED**

**FEB 27 2012**

**OFFICE OF PETITIONS**

In re Application of	:	
Yin et al.	:	DECISION ON PETITION
Application No. 12/591,172	:	
Filed: 11/12/2009	:	ACCEPTANCE OF COLOR
Atty. Docket Number: AUOP0261USA	:	DRAWINGS

This is a decision on the petition under 37 C.F.R. 1.84(a)(2) received in the United States Patent and Trademark Office (USPTO) on November 12, 2009.

The petition is **GRANTED**.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:


- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore the petition is **GRANTED**.

The application is referred to Technology Center Art Unit 2883 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

  
Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/591,197	11/12/2009	Kyoung Sik Moon	6668-000077/US	5469
30593 7590 10/31/2011 HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER DOLLINGER, TONIA LYNN MEONSKE	
			ART UNIT 2443	PAPER NUMBER
			MAIL DATE 10/31/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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**MAILED**

**OCT 31 2011**

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

Gary D. Yacura  
HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 8910  
Reston, VA 20195

In re Application of:	)	
Kyoung Sik MOON, et al	)	
Application No. 12/591,197	)	DECISION ON PETITION UNDER 37
Filed: 11/12/2009	)	C.F.R. § 1.84(a)(2) TO ACCEPT
For: PIXEL CIRCUIT, PHOTOELECTRIC	)	COLOR DRAWINGS
CONVERTER, AND IMAGE	)	
SENSING SYSTEM INCLUDING	)	
THE PIXEL CIRCUIT AND THE	)	
PHOTOELECTRIC CONVERTER.	)	

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed November 11, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings, figure 2 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

Decision on Petition

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

*"It is anticipated that such a petition will be granted only when the U.S. Patent and Trademark Office has determined that a color drawing or color photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."*

MPEP 608.02

Color drawings are not the only practical medium by which to disclose in a printed utility patent. Figure 2 states the corresponding color of each illustrated element. In the black and white drawings the distinction between the different regions of the elements in Figure 2 is clear. Therefore color drawings do not appear to be necessary in this case.

The petition is Dismissed.

The application file is being return to the Central Files waiting for applicant's response.

/David England/

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DAVID ENGLAND

Primary Examiner

Technology Center 2400

Computer Networking

/Tonia L. M. Dollinger/

Serial No. 09/551,303

Decision on Petition

- Page

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TONIA L.M. DOLLINGER

Supervisory Patent Examiner

Technology Center 2400

Computer Networking





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/591,244	11/13/2009	Tetsu Okamoto	UDK-0096	6613
23353 7590 03/01/2011 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER	
			ART UNIT	PAPER NUMBER
			2821	
			MAIL DATE	DELIVERY MODE
			03/01/2011	PAPER

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**RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20TH STREET N.W., SUITE 501  
WASHINGTON DC 20036**

**In re Application of  
OKAMOTO et al.  
Application No.: 12/591,244  
Filed: 13 November 2009  
Attorney Docket No.: UDK-0096  
For: HIGH PRESSURE DISCHARGE  
LAMP LIGHTING APPARATUS**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 24 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed ensure that the claim in the U.S. application sufficiently corresponds to the allowable/patentable claim in the JPO application. JPO claim 1 requires "wherein the direct current is applied to one of the electrodes alternately so that the one of the electrodes is to become an anode, the one of the electrodes was a cathode when the direct current was previously applied" but is not required by claim instant claim 1.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Lee W. Young  
TQAS Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/591,244	11/13/2009	Tetsu Okamoto	UDK-0096	6613
23353 7590 05/10/2011 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER	
			ART UNIT	PAPER NUMBER
			2821	
			MAIL DATE	DELIVERY MODE
			05/10/2011	PAPER

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**RADER FISHMAN & GRAUER PLLC**  
**LION BUILDING**  
**1233 20TH STREET N.W., SUITE 501**  
**WASHINGTON DC 20036**

**In re Application of**  
**OKAMOTO et al.**  
**Application No.: 12/591,244**  
**Filed: 13 November 2009**  
**Attorney Docket No.: UDK-0096**  
**For: HIGH PRESSURE DISCHARGE**  
**LAMP LIGHTING APPARATUS**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 24 January 2011 and renewed 21 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or

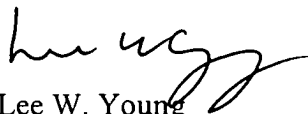
- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/591,245	11/13/2009	Takahiro Tojo	SON-2422/CON	5539
23353 7590 12/01/2011 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER LE, TUAN H	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 12/01/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20TH STREET N.W., SUITE 501  
WASHINGTON DC 20036

In re Application of:  
TOJO, TAKAHIRO  
Application Serial No.: 12/591,245  
Filed: November 13, 2009  
For: **PHOTOGRAPHING APPARATUS AND  
PHOTOGRAPHING METHOD**

**DECISION  
ON PETITION**

This is a decision on the petition requesting the withdrawal of the final action, filed June 28, 2011, pursuant to 37 CFR § 1.181.

Petitioner alleges that the examiner erred in holding the Office action mailed May 26, 2011 final and requests withdrawal of finality of the Office action.

**PERTINENT BACKGROUND INFORMATION**

A non-final Office action was mailed on December 9, 2010 rejecting claims 1-20.

Applicant filed an amendment and request for reconsideration on March 8, 2011 wherein claim 13 was amended into independent form. Claims 1-12 and 14-20 were cancelled. Claims 21-45 were added.

On May 26, 2011, the Examiner issued a Final Office action rejecting claims 13 and 21-45.

On June 28, 2011, a petition requesting the examiner to withdraw the final action was filed.

On June 29, 2011, an after-final amendment was filed.

On August 18, 2011, a non-final office action was mailed. The non-final office action indicated that applicant's arguments were fully considered and the final rejection mailed May 26, 2011 had been withdrawn.

**DECISION**

The issue of whether or not the examiner properly made final the office action on May 26, 2011 became moot with examiner mailing a non-final office action on August 18, 2011.

For the reasons set forth above, the petition to withdraw finality is **DISMISSED AS MOOT.**

The application will be forwarded to the examiner for appropriate action responsive to the amendment filed October 5, 2011.

Serial No.: 12/591,245  
Decision on Petition

- 2 -

Any inquiry regarding this decision should be directed to Doris To, Quality Assurance Specialist,  
at (571) 272-7629.

/Doris To/

---

Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Stanley C. Hewitt

Application No. 12591265

Filed: November 13, 2009

Attorney Docket No. 22498.04

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 15-DEC-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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**BREINER & BREINER, L.L.C.**  
**P.O. BOX 320160**  
**ALEXANDRIA VA 22320-0160**

**MAILED**  
**JAN 24 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Jansson, Torgny  
Application No. 12/591,277  
Filed: November 16, 2009  
Attorney Docket No. 7455/CONT

:  
:  
: DECISION ON PETITION  
: TO WITHDRAW  
: FROM RECORD  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 6, 2012.

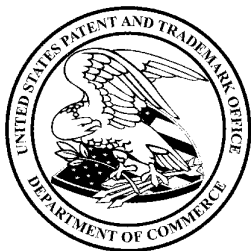
The request is **APPROVED**.

The request was signed by Jennifer A. Harchick on behalf of herself, as she is now an employee of the U.S. Patent and Trademark Office.

All other attorneys/agents of record remain and the correspondence address of record remains unchanged.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : July 18,2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Tadashi Kasamoto

ATTORNEY/AGENT OF RECORD

Application No : 12591300

Filed: 16-Nov-2009

Attorney Docket No : 2009\_1841

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed July 18,2011

The request is **APPROVED**

The request was signed by Michael R. Davis (registration no. 25134 ) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name UCHIYAMA MANUFACTURING CORPORATION

Name2

Address 1 338 ENAMI, OKAYAMA

Address 2

City OKAYAMA-SHI

State

Postal Code

Country JP

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12591300	
Filing Date	16-Nov-2009	
First Named Inventor	Tadashi Kasamoto	
Art Unit	1742	
Examiner Name	GALEN HAUTH	
Attorney Docket Number	2009_1841	
Title	Magnetic rubber composition and method for forming molded body from the magnetic rubber composition	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	UCHIYAMA MANUFACTURING CORPORATION	
Address	338 ENAMI, OKAYAMA	
City	OKAYAMA-SHI	
State		
Postal Code		
Country	JP	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Michael R. Davis/
Name	Michael R. Davis
Registration Number	25134



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ANDREWS KURTH LLP  
1350 I STREET, N.W.  
SUITE 1100  
WASHINGTON DC 20005

**MAILED**  
OCT 12 2010  
OFFICE OF PETITIONS

In re Application of	:	
Veena RAO	:	
Application No. 12/591,495	:	DECISION ON PETITION
Filed: November 20, 2009	:	
Attorney Docket No. 1013-023 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed December 15, 2009. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The determination as to whether the drawings, submitted with the petition, are acceptable will be made by the Office of Data Management.



Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further processing pre-examination processing.

/DCG/

Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

cc: PING WANG, MD  
1333 H STREET, N.W.  
SUITE 820  
WASHINGTON, DC 20005



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www.uspto.gov

Paper No.

Isaac A. Angres  
Suite 304B  
2001 Jefferson Davis Highway  
Arlington VA 22202

**MAILED**

**NOV 21 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Shirley Rose : DECISION ON  
Application No. 12/591,527 : PETITION  
Filed: November 23, 2009 :  
Attorney Docket No. **ROSE D1001**:

This is a decision on the PETITION TO REVIVE UNDER 37 CFR  
1.137(b), filed November 8, 2011.

The petition is **GRANTED**.

The above-identified application was abandoned for failure to  
file a timely and proper reply to the final Office action mailed  
February 3, 2011. This Office action set a shortened statutory  
period for reply of three (3) months from the mail date of the  
action. No reply received and no extension of time obtained the  
application became abandoned effective May 4, 2011. A courtesy  
Notice of Abandonment was mailed on September 6, 2011.

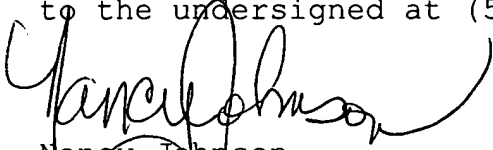
On petition, petitioner submitted a Request for Continued  
Examination (RCE) and submission under \$1.114 (in the form of an  
amendment) (and RCE fee); paid the petition fee; and made the  
required statement of unintentional delay.

Technology Center AU 3763 has been advised of this decision.  
The application is, thereby, forwarded to the examiner for  
consideration of the RCE (and submission) submitted on petition  
filed November 8, 2011.

Application No. 12/591,527

Page 2

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in cursive script, appearing to read "Nancy Johnson". The signature is written in black ink and is positioned above the printed name.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**OCT 25 2010**

**OFFICE OF PETITIONS**

MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

In re Application of  
Errol O. Kendall et al  
Application No. 12/591,558  
Filed: November 23, 2009  
Attorney Docket No. 1986.004.20

:  
:  
:  
: **DECISION ON PETITION**  
: **TO WITHDRAW**  
: **FROM RECORD**  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2010.

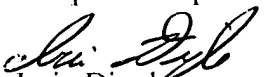
The request is **APPROVED**.

The request was signed by Errol O. Kendall on behalf of the practitioners of record associated with Customer Number 30827.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Errol O. Kendall at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Errol O. Kendall  
P.O. Box 191706  
Atlanta, GA 31119-1706



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UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/591,558	11/23/2009	Errol O. Kendall	1986.004.20

**CONFIRMATION NO. 3456**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 10/25/2010

30827  
MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/30/2010:

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/591,558	11/23/2009	Errol O. Kendall	1986.004.20

Errol O. Kendall  
P.O. Box 191706  
Atlanta, GA 31119-1706

**CONFIRMATION NO. 3456**  
**POA ACCEPTANCE LETTER**



Date Mailed: 10/25/2010

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/30/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON VA 20191

**MAILED**  
**JAN 31 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Osamu Kanematsu, et al.  
Application No.: 12/591,566  
Filed: November 24, 2009  
Attorney Docket No.: MAP DATA  
PROCESSOR AND METHOD FOR  
PROCESSING.....

: REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 30, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

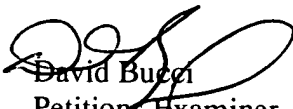
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

  
David Buga  
Petitions Examiner  
Office of Petitions





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**MAIL**

MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006

SEP 03 2010  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of	:	
JUNG, SUNG-HOON et al	:	DECISION ON REQUEST TO
Application No. 12/591,658	:	PARTICIPATE IN PATENT
Filed: November 25, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 8737.287.00	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 09, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Pursuant to the "Notice regarding the Elimination of the Fee for Petitions To Make Special Filed Under the Patent Prosecution Highway (PPH) Programs" published in the Federal Register on

May 25, 2010 (75 Fed. Reg. 29312), the fee under 37 CFR 1.17(h) for the petition to make special under the Patent Prosecution Highway (PPH) programs has been eliminated. The application is being forwarded to the TC Tech Support staff to process a refund of \$130.00. From there application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

A handwritten signature in black ink, appearing to read 'Michael Horabik', is written over a horizontal line.

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

HARNESS DICKEY & PIERCE PLC  
PO BOX 8910  
RESTON VA 20195

**MAILED**  
**FEB 02 2012**  
**OFFICE OF PETITIONS**

In re Application of	:	DECISION
Lee, et al.	:	ON PETITION
Application No. 12/591,772	:	
Filed: December 1, 2009	:	
Attorney Docket Number: 2557-001337/US	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed March 2, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

- (1) The fee set forth in 37 C.F.R. 1.17(h);
- (2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- (3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2812.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', is positioned above the typed name.

Cliff Congo  
Petitions Attorney  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/591,790	12/01/2009	Takeharu Uranishi	143361	1886

7590 10/18/2011  
OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

EXAMINER
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PILKINGTON, JAMES

ART UNIT	PAPER NUMBER
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3656

NOTIFICATION DATE	DELIVERY MODE
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10/18/2011

ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**EDWARDS WILDMAN PALMER LLP  
P.O. BOX 55874  
BOSTON MA 02205**

**MAILED**

**JAN 09 2012**

**OFFICE OF PETITIONS**

**In re Application of  
NAKAYAMA, et al  
Application No.: 12/591,816  
Filed: December 2, 2009  
Attorney Docket No.: 84965(302673)  
For: DOUBLE-FACED PRESSURE-  
SENSITIVE ADHESIVE TAPE**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 31, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition fails to meet condition (4) above.

Regarding the requirement of condition (4), an Office action has been completed on this application. Since examination of the U.S. application has begun, the request filed October 31, 2011, to make the above-identified application special cannot be granted.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Anthony Knight  
Director  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MEREK, BLACKMON & VOORHEES, LLC  
673 S. WASHINGTON ST.  
ALEXANDRIA, VA 22314

**MAILED**  
**MAR 22 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Guy E. Mossman  
Application No. 12/591,913  
Filed: December 4, 2009  
Attorney Docket No. PA-279 DIV

:  
:  
: DECISION ON PETITION  
:  
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This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 2012, to revive the above-identified application.

The application became abandoned for failure to file a timely reply to the Notice of Allowance and Fee(s) Due mailed June 13, 2011. A Notice of Abandonment was mailed on September 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$870 for payment of the issue fee and \$300 for payment of the publication fee; (2) the petition fee of \$930; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/  
Andrea Smith  
Petitions Examiner  
Office of Petitions





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/591,954	12/04/2009	Jonas Walther	2674-000058/US/01	4033
30593 7590 07/28/2011 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER VALENTIN, JUAN D	
			ART UNIT 2877	PAPER NUMBER
			MAIL DATE 07/28/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

In re Application of

WALTHER

Application No. 12/591,954

Filed December 04, 2009

Attorney Docket No. 2674-000058/us/01

: DECISION ON PETITION  
: UNDER 37 CFR 1.84

This decision is in response to the petition filed February 2, 2010 in the above-identified application. Petitioner requests that color drawings be accepted in accordance with 37 C.F.R. 1.84(a)(2).

The petition is GRANTED.

The petition states that color drawings of Figures 2-9 are necessary in order to completely and accurately represent the invention.

A grantable petition under 37 C.F.R. 1.84(a)(2) requires the submission of the following: (1) the appropriate fee, (2) three sets of color photographs, and (3) the required text language set forth in 37 C.F.R. 1.84(a)(2)(iii).

The papers filed on February 2, 2010 comply with the requirements set forth in 37 C.F.R. 1.84(a)(2).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-2059.

For

Gregory Toatley  
Supervisory Patent Examiner, Art Unit 2877  
Technology Center 2800



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

LANE & WATERMAN LLP  
220 N. MAIN STREET, SUITE 600  
DAVENPORT IA 52801

**MAILED**

OCT 01 2010

OFFICE OF PETITIONS

In re Application of  
Ropp  
Application No. 12/592,069  
Filed/Deposited: 18 November, 2009  
Attorney Docket No. 3126\_157

:  
:  
: DECISION  
:  
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This is a decision on the petition filed on 27 August, 2010, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision should be filed **within two (2) months** from the mail date of this decision. *Note* 37 C.F.R. §1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw  
the Holding of Abandonment

**Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.**

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

### BACKGROUND

The record reflects as follows:

Applicant failed to reply timely and properly to the Notice of Missing Parts (fees, oath/declaration, surcharge) mailed on 9 December, 2009, with reply due absent extension of time on or before 9 February, 2010.

The application went abandoned after midnight 9 February, 2010.

It appears that thereafter:

- On 13 April, 2010, prior Counsel filed A Notice of Change of Address;
- On 17 August, 2010—after expiration of the statutory period—Petitioner filed a copy of an oath/declaration, fees and surcharge.

The Office mailed the Notice of Abandonment on 18 August, 2010.

On 27 August, 2010, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 and averred in a one and one-half- (1½-) page petition with something of a jumble of supporting documentation, which the petition indicates is divided into exhibits, but such division is not apparent. More problematic are that:

- The FAX transmittal documents submitted regarding a filing averred of 28 January, 2010, reflects ten (10) pages submitted, however, after duplicate pages are separated out, there appear only to be seven (7) pages—or nine (9) pages if the copy of the 9 December 2009, Notice is counted.
- Also not of record is a statement by those responsible for the filing averred to have taken place on 28 January, 2010. and
- It appears that the filing of 28 January, 2010, may have been improvidently jumbled into another filing, which may have been intended for the Assignment Branch.

Thus, Petitioner did not comply with the guidance as set forth below in the citation from the Manual of Patent Examining Procedure (MPEP).

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part:

\*\*\*

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information

Retrieval (PAIR) system for the status of the correspondence before notifying the Office.  
See MPEP §512.<sup>1</sup>

\*\*\*

If Petitioner is unable to comply with and/or otherwise satisfy these requirements, Petitioner may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: [http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_711\\_03\\_c.htm#sect711.03c](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c) )

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>2</sup>

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

#### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

#### Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

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<sup>1</sup> See: MPEP §711.03(c) (I)(B).

<sup>2</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is dismissed.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: [http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_711\\_03\\_c.htm#sect711.03c](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c))

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:


By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By facsimile:                **(571) 273-8300**  
                                    Attn: Office of Petitions

Application No. 12/592,069

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>3</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>3</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.





UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

LANE & WATERMAN LLP  
220 N. MAIN STREET, SUITE 600  
DAVENPORT IA 52801

**MAILED**

**JAN 03 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Ropp :  
Application No. 12/592,069 : **DECISION**  
Filed/Deposited: 18 November, 2009 :  
Attorney Docket No. 3126\_157 :

This is a decision on the petition filed on 30 November, 2010, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw  
the Holding of Abandonment

*Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.*

**BACKGROUND**

The record reflects as follows:

Applicant failed to reply timely and properly to the Notice of Missing Parts (fees, oath/declaration, surcharge) mailed on 9 December, 2009, with reply due absent extension of time on or before 9 February, 2010.

The application went abandoned after midnight 9 February, 2010.

It appears that thereafter:

- On 13 April, 2010, prior Counsel filed A Notice of Change of Address;

- On 17 August, 2010—after expiration of the statutory period—Petitioner filed a copy of an oath/declaration, fees and surcharge.

The Office mailed the Notice of Abandonment on 18 August, 2010.

On 27 August, 2010, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 and averred in a one and one-half- (1½-) page petition with something of a jumble of supporting documentation, which the petition indicates is divided into exhibits, but such division is not apparent. More problematic were that: the FAX transmittal documents submitted regarding a filing averred of 28 January, 2010, reflects ten (10) pages submitted, however, after duplicate pages are separated out, there appear only to be seven (7) pages—or nine (9) pages if the copy of the 9 December 2009, Notice is counted; also not of record is a statement by those responsible for the filing averred to have taken place on 28 January, 2010. and it appeared that the filing of 28 January, 2010, may have been improvidently jumbled into another filing, which may have been intended for the Assignment Branch.

The petition was dismissed on 1 October, 2010.

On 30 November, 2010, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.181 and provided the documentary support with the statements required consistent with the guidance in the Commentary at MPEP §711.03(c )(I).

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c )(I) provides in pertinent part:

\*\*\*

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard

receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.<sup>1</sup>

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Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>2</sup>

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

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<sup>1</sup> See: MPEP §711.03(c) (I)(B).

<sup>2</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.<sup>3,4</sup>

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>5</sup>

#### Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

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<sup>3</sup> See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

<sup>4</sup> The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

<sup>5</sup> In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Petitioner appears to have made the showing required.

### CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted**, and the on 18 August, 2010, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>6</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>6</sup> The regulations at 37 C.F.R. §1.2 provide:  
**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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**NORMAN FRIEDLAND  
2855 PGA BOULEVARD  
SUITE 200  
PALM BEACH GARDENS FL 33410**

**MAILED**

**AUG 12 2010**

**OFFICE OF PETITIONS**

In re Application of

B. Michael Flaherty

Application No. 12/592,085

Filed: November 19, 2009

Attorney Docket No. **N1440**

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 7, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a certification by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Paper No.

AMGEN INC.  
MAIL STOP 28-2-C  
ONE AMGEN CENTER DRIVE  
THOUSAND OAKS CA 91320-1799

**MAILED**

**NOV 03 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Chang	:	
Application No. 12/592,103	:	DECISION ON PETITION
Filed: November 18, 2009	:	PURSUANT TO
Attorney Docket No. A-1000-US-CNT	:	37 C.F.R. § 1.10(C)
Title: COMBINATIONS FOR THE	:	
TREATMENT OF CANCER	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.10(c), filed October 14, 2011, requesting the according of a filing date of November 18, 2009 to application number 12/592,103.

The application was deposited on November 19, 2009. On December 14, 2009, the Office mailed a filing receipt, indicating that application number 12/592,103 had been accorded a filing date of November 19, 2009.

Petitioner has alleged that the application was deposited on November 18, 2009, and the Patent Office has incorrectly assigned a filing date of November 19, 2009 to the present application. Petitioner has included a copy of a print-out of tracking results from the USPS' website and it is noted that the package that was associated with Express Mail Label number EL732557205US was accepted by the USPS on November 18, 2009. It is further noted that this same Express Mail Label number appears on the transmittal sheet that was included on initial deposit.

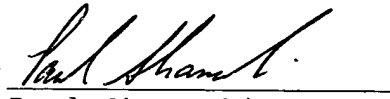
Although the application received a filing date of November 19, 2009, the evidence is convincing that the application papers were filed on November 18, 2009, and the Patent Office assigned the incorrect date to this application. Therefore, the application

was entitled to a filing date of November 18, 2009 pursuant to 37 C.F.R. § 1.10(c).

Accordingly, the petition is **GRANTED**.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing. OPAP will accord a filing date of November 18, 2009 to this application, and will mail a corrected filing receipt.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.<sup>1</sup>

  
\_\_\_\_\_  
Paul Shanowski  
Senior Attorney  
Office of Petitions

---

<sup>1</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.





## UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of  
John C. Meade

Application No. 12592174

Filed: November 20, 2009

Attorney Docket No. 86768CIP (306932)

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 05-NOV-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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**CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP**  
**601 SW SECOND AVENUE**  
**SUITE 1600**  
**PORTLAND OR 97204-3157**

**MAILED**

**OCT 06 2011**

In re Application of  
Kenneth R. Smith  
Application No. 12/592,186  
Filed: November 20, 2009  
Attorney Docket No. 1016,2095

: **OFFICE OF PETITIONS**  
:  
: **DECISION ON PETITION**  
**TO WITHDRAW FROM RECORD**  
:  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 29, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Kevin L. Russell, on behalf of all attorneys/agents of record who are associated with Customer Number 152.

All attorneys/agents associated with the Customer Number 152 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Cascade Microtech, Inc.  
Attn: Joe Shallenburger  
9100 SW Gemini Drive  
Beaverton, OR 97008



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THE JACKSON PATENT GROUP  
1500 FOREST AVENUE, SUITE 212  
RICHMOND VA 23229

**MAILED**

DEC 14 2011

OFFICE OF PETITIONS

In re Patent No. 7,972,679  
Issued: July 5, 2011  
Application No. 12/592,198  
Filed: November 20, 2009  
Attorney Docket No: 2052(THPM)

ON PETITION

This is a decision regarding your request for acceptance of a fee deficiency submission filed November 21, 2011. The request is being treated as a petition under 37 CFR 1.28

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28( c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc., 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission in the amount of \$705.00 under 37 CFR 1.28 has been applied and is hereby accepted. The petition is therefore **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/592,228	11/20/2009	William N. Partlo	2007-0045-03	6703
7590		10/18/2010	EXAMINER NGUYEN, DUNG T	
Cymer, Inc. Legal Dept. MS/4-2D 17075 Thornmint Court San Diego, CA 92127-2413		ART UNIT 2828		
		MAIL DATE 10/18/2010		
		DELIVERY MODE PAPER		

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

11/24/2009 08:00:00 AM 00000000 004000 10000000  
02 10/18/2010 08:00:00 AM 00000000 004000 10000000

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**DATE** : 12/13/11

**TO SPE OF** : ART UNIT 2832

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12592273 Patent No.: RE42565

CofC mailroom date: 12/02/11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**  
**Randolph Square – 9D10-A**  
**Palm Location 7580**

**Note:** Should the changes to claim 29 be approved?

*Lamonte Newsome*

**Certificates of Correction Branch**

**571-272-3421**

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

**Comments:** Proposed changes to the specification and claim 29 are to correct grammatical errors.

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/Elvin Enad/

SPE AU2832

**SPE**

**Art Unit**



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MAP PHARMACEUTICALS, INC.  
C/O MORRISON & FOERSTER LLP  
755 PAGE MILL ROAD  
PALO ALTO CA 94304-1018

**MAILED**

OCT 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Cook et al.	:	
Application No. 12/592,287	:	DECISION ON PETITION
Filed: November 19, 2009	:	
Attorney Docket No. 627052002520	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 27, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (2)

With regards to item (2) petitioner has submitted \$665.00 towards the required small entity \$810.00 petition fee, thus creating \$145.00 shortage. On September 27, 2010 there was insufficient payment by credit card.



The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay. The petition in the above-identified application was not accompanied by payment of the required fee. Therefore, no consideration on the merits can be given to the petition until the required fee is received.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

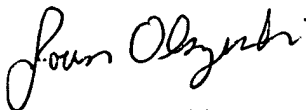
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7751.



Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Owen J. Bates  
2400 Bayshore Parkway, Suite 200  
Mountain View, CA 94043



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C/O MORRISON & FOERSTER LLP  
755 PAGE MILL ROAD  
PALO ALTO CA 94304-1018

**MAILED**

DEC 21 2010

In re Application of  
Cook et al.  
Application No. 12/592,287  
Filed: November 19, 2009  
Attorney Docket No. 627052002520

:  
**OFFICE OF PETITIONS**  
: DECISION ON PETITION  
:  
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2010, to revive the above-identified application.

The petition is **GRANTED**.

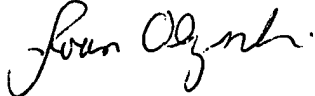
The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed December 14, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 15, 2010. A Notice of Abandonment was mailed on August 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration, the \$65.00 Surcharge fee, Replacement drawings, the \$165.00 Basic filing fee, the \$270.00 Search fee, and the \$110.00 Examination fee; (previously submitted September 27, 2010) (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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**GEORGE REISCH ASCHAUER**  
**2214 RED OAK CT. NE**  
**BEMIDJI, MN 56601**

**MAILED**

**DEC 10 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
George Reisch Aschauer	:	
Application No. 12/592,295	:	ON PETITION
Filing: November 23, 2009	:	
Attorney Docket No. None	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 29, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.


The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant that he is more than 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3655 for action on the merits commensurate with this decision.

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions



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MATVEY LVOVSKIY  
APT. D5  
8750 BAY PARKWAY  
BROOKLYN, NY 11214

**MAILED**

**JUN 15 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Matvey Lvovskiy et al	:	
Application No. 12/592,296	:	DECISION ON PETITION
Filed: November 23, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 23, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition is not signed by inventor Matvey Lvovskiy who is stating that he is over 65 years of age. This petition can not be treated until the signature of Matvey Lvovskiy is received on the petition.


Further correspondence with respect to this matter should be addressed as follows:

By Mail:	Mail Stop PETITION Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450
By hand:	U. S. Patent and Trademark Office Customer Service Window, Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By FAX:	(571) 273-8300 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The matter is being referred to the Technology Center Art Unit 2629 for action in its regular turn.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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MATVEY LVOVSKIY  
APT D5  
8750 BAY PARKWAY  
BROOKLYN, NY 11214

**MAILED**

**JUL 05 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Matvey Lvovskiy et al	:	
Application No. 12/592,296	:	DECISION ON PETITION
Filed: November 23, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 20, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.


A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of inventor Matvey Lvovskiy's driver license showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The matter is being referred to the Technology Center Art Unit 2629 for action on the merits commensurate with this decision.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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December 22, 2011

BOSE MCKINNEY & EVANS LLP  
111 MONUMENT CIRCLE, SUITE 2700  
INDIANAPOLIS IN 46204

In re Application of	:	
Bernard Y. Tao et al.	:	<b>DECISION ON PETITION</b>
Application No. 12592336	:	
Filed: 11/23/2009	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 8660-0059	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 23, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/  
Quality Control Specialist  
Office of Data Management  
Publications Branch





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/592,364	11/23/2009	Douglas J. Wagenaar	64620/G517	5783

23363 7590 11/08/2010  
CHRISTIE, PARKER & HALE, LLP  
PO BOX 7068  
PASADENA, CA 91109-7068

EXAMINER
----------

LEE, SHUN K

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
11/08/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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Peter C. Hsueh  
CHRISTIE, PARKER & HALE, LLP..  
P.O. Box 7068  
Pasadena, CA 91109-7068

In re Application of:  
WAGENAAR, Douglas J. et al.  
Serial No.: 12/592364  
Filed: 23 November 2009  
Attorney Docket No.: 64620/G517

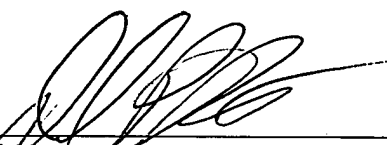
DECISION ON PETITION  
FOR USE OF COLOR DRAWINGS UNDER 37  
C.F.R 1.84(a)(2)

This is a decision in response to the petition under 37 C.F.R. 1.84(a)(2) filed 23 November 2009. The petition fee has been paid.

The petition is **GRANTED**.

The Petition sets forth an explanation regarding why the color drawings are necessary, the required fee, and the required paragraph is provided in the specification, and the petition includes three sets of color drawings.

Accordingly, the color drawings are accepted as formal drawings in the above-referenced application.

  
\_\_\_\_\_  
David P. Porta, Supervisor  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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LAW DEPARTMENT  
CABOT CORPORATION  
157 CONCORD ROAD  
BILLERICA, MA 01821

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of  
**Bin CHUNG**, et al.  
Application No. 12/592,418  
Filed: November 24, 2009  
Attorney Docket No. **98079CIPDIVCON**

:  
:  
: DECISION GRANTING PETITION  
: UNDER 37 CFR 1.313(c)(2)  
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 26, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on June 17, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO  
ONE FINANCIAL CENTER  
BOSTON MA 02111**

**MAILED**

**DEC 20 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Kevin D. McIntosh et al. :  
Application No. 12/592,435 :  
Filed: November 25, 2009 :  
Attorney Docket No. 37272-523D01US :

**NOTICE**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **MINTZ LEVIN COHN FERRIS  
GLOVSKY AND POPEO, P.C.  
666 THIRD AVENUE, 24<sup>TH</sup> FLOOR  
NEW YORK NY 10017**



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**GREENBERG TRAURIG, LLP**  
**77 WEST WACKER DRIVE**  
**SUITE 3100**  
**CHICAGO IL 60601-1732**

**MAILED**

**OCT 01 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Pan et al.	:	
Application No. 12/592,447	:	<b>DECISION GRANTING STATUS</b>
Filed: November 25, 2009	:	<b>STATUS UNDER 37 CFR 1.47(a)</b>
Attorney Docket No. 122689.010100	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 24, 2010.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventors, Xiaohua Wu and Chuntao Zhang, have refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2617 for examination on the merits.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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**XIAOHUA WU**  
**21878 NORTH TALL HILLS DRIVE**  
**KILDEER, IL 60047**

**MAILED**

**OCT 01 2010**

In re Application of  
Pan et al.  
Application No. 12/592,447  
Filed: November 25, 2009  
Attorney Docket No. 122689.010100

**OFFICE OF PETITIONS**

**ON PETITION**

Mrs. Wu,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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**CHUNTAO ZHANG  
MOTOROLA, INC.  
1303 E. ALGONQUIN ROAD  
SCHAUMBURG, IL 60196**

**MAILED**

**OCT 01 2010**

**OFFICE OF PETITIONS**

In re Application of  
Pan et al.  
Application No. 12/592,447  
Filed: November 25, 2009  
Attorney Docket No. 122689.010100

:  
:  
:  
:  
:

**ON PETITION**

Mr. Zhang,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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GREENBERG TRAURIG, LLP (CHI)  
77 WEST WACKER DRIVE  
SUITE 3100  
CHICAGO IL 60601-1732

**MAILED**

**AUG 15 2011**

**OFFICE OF PETITIONS**

In re Application of  
Shaowei Pan, et al.  
Application No. 12/592,447  
Filed: November 25, 2009  
Attorney Docket No. **122689.010200**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Richard D. Harris or any attorneys/agents associated with Customer Number 34018 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions





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**LYONDELLBASELL INDUSTRIES  
LEGAL IP DEPARTMENT  
1221 MCKINNEY STREET  
ONE HOUSTON CENTER  
HOUSTON TX 77010**

**MAILED**

**SEP 13 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Daniel F. WHITE	:	
Application No. 12/592,457	:	DECISION ON PETITION
Filed: November 25, 2009	:	
Attorney Docket No. 01-2762A	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 08, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 27, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of January 27, 2011 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 1621 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



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GREENBERG TRAURIG, LLP  
77 WEST WACKER DRIVE  
SUITE 3100  
CHICAGO, IL 60601-1732

**MAILED**  
**DEC 17 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
Shaowei Pan et al	:	DECISION REFUSING STATUS
Application No. 12/592,490	:	UNDER 37 CFR 1.47(a)
Filed: November 25, 2009	:	
Attorney Docket No. 122689.010100	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 22, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventors cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), the declaration is defective since it is not in compliance with 37 CFR 1.63 and 1.64 and, as such, is not acceptable. The declaration does not set forth the nonsigning inventor's Xiaohua Wu citizenship.

Petitioner's attention is directed to 35 USC 115 which states:

The applicant shall make oath that he believes himself to be the original and first inventor of the process, machine, manufacture, or composition of matter, or improvement thereof, for which he solicits a patent; and shall state of what country he is a citizen.

Petitioner's attention is also directed to 37 CFR 1.76 which provides that the residence and mailing address of the inventors may be included on an Application Data Sheet, but that the citizenship is governed by 37 CFR 1.63(a)(3).

In view of the above, petitioner must submit an oath or declaration bearing the citizenship of the nonsigning inventor Xiaohua Wu and signed by signing inventor Shaowei Pan, which by signing, will attest that this information is true to the best of his knowledge.

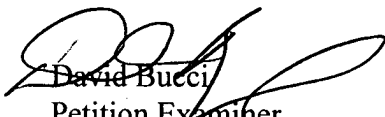
Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By Hand:                    U. S. Patent and Trademark Office  
                                    Customer Window, Mail Stop PETITIONS  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

  
David Bucci  
Petition Examiner  
Office of Petitions



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GREENBERG TRAURIG LLP  
77 WEST WACKER DRIVE  
SUITE 3100  
CHICAGO, IL 60601-1732

**MAILED**  
**MAR 28 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Shaowei Pan et al	:	DECISION GRANTING STATUS
Application No. 12/592,490	:	UNDER 37 CFR 1.47(a)
Filed: November 25, 2009	:	
Attorney Docket No. 122689.010100	:	

This is a decision on the petition filed, February 7, 2011, requesting reconsideration of a decision mailed December 17, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED**.


Petitioner has shown that the non-signing inventor, Xiaohua Wu, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

  
David Bucci  
Petitions Examiner  
Office of Petitions



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Xiaohua Wu  
21878 North Tall Hills Drive  
Kildeer, IL 60047

**MAILED**  
**MAR 28 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Shaowei Pan; Xiaohua Wu  
Application No. 12/592,490  
Filed: November 25, 2009

For: METHOD AND APPARATUS FOR DETERMINING THE LOCATION OF A NODE IN A  
WIRELESS SYSTEM

Dear Mr. Wu:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

/s/

David Bucci  
Petitions Examiner  
Office of Petitions

cc: Greenberg Traurig, LLP  
77 West Wacker Drive  
Suite 3100  
Chicago, IL 60601-1732



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GREENBERG TRAURIG, LLP (CHI)  
77 WEST WACKER DRIVE  
SUITE 3100  
CHICAGO IL 60601-1732

**MAILED**

AUG 15 2011

In re Application of	:	OFFICE OF PETITIONS
Shaowei Pan, et al.	:	
Application No. 12/592,490	:	DECISION ON PETITION
Filed: November 25, 2009	:	TO WITHDRAW
Attorney Docket No. 122689.010200	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Richard D. Harris or any attorneys/agents associated with Customer Number 34018 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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Paper No.

CANTOR COLBURN LLP  
20 Church Street  
22nd Floor  
Hartford CT 06103

**MAILED**  
**JAN 24 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Muller :  
Application No. 12/592,565 : DECISION ON PETITION  
Filed: November 25, 2009 : PURSUANT TO  
Attorney Docket No. : 37 C.F.R. § 1.137(B)  
MRJ0001US :  
Title: ALUMINUM CHOKE TUBE :  
FOR A SHOTGUN :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 23, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed May 11, 2011, which set a shortened statutory period for reply of three months. A response was received on September 12, 2011, however a one-month extension of time under the provisions of 37 C.F.R. § 1.136(a) was required in order to make timely the submission.<sup>1</sup> No extension of time was requested, and no general authorization to charge any fee deficiency was present in the electronic file at that time. Accordingly, the above-identified application became abandoned on August 12, 2011. A notice of abandonment was mailed on December 13, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;

<sup>1</sup> It is noted that September 11, 2011 fell on a Sunday.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.<sup>2</sup> In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, Petitioner must notify the Office.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on December 23, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

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<sup>2</sup> See 37 C.F.R. § 10.18(b); cf. Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).



Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>3</sup> All other inquiries concerning this application should be directed to the Technology Center.



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Paul Shanowski  
Senior Attorney  
Office of Petitions

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<sup>3</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

YIHONG CHEN  
10306 SAUSALITO DR.  
AUSTIN, TX 78759

**MAILED**

**MAY 05 2011**

**OFFICE OF PETITIONS**

In re Application of  
Chen et al.  
Application No. 12/592,573  
Filed: November 30, 2009  
Attorney Docket Number: None

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:  
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:

ON PETITION

This is a decision in response to the communication filed December 10, 2010, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 (no fee) in the above-identified application.

The petition under 1.181 is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

On December 18, 2009, the Office mailed a Notice to File Corrected Application Papers in the above mentioned application, which set a shortened statutory period for reply of two (2) months. The application became abandoned on February 19, 2010, for failure to submit a timely reply to the Notice. On August 26, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice to File Corrected Application Papers. Specifically, petitioner asserts that the Notice mailed December 18, 2009, was not received due to the Postal Office's delivery policy.

A review of the file record indicates that the current correspondence address of record set forth in Application Data Sheet filed on November 30, 2009, was specified as Yihong Chen 10306 Sausalito Dr., Austin, TX 78759. Therefore, there was no irregularity in the mailing of the Notice dated December 18, 2009, and in the absence of any irregularity the Notice was properly mailed to the address of record.

In view of the above, the petition requesting withdrawal of the holding of abandonment cannot be granted.

Further, petitioner's attention is directed to 37 CFR 1.33(b). 37 CFR 1.33(b) states that: Amendments and other papers filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition is not signed by all of the inventors and the record herein fails to disclose that the petitioner herein (Ray T Chen) was properly given power of attorney to act on behalf of the other inventor, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b). Any subsequent amendments and other papers must be signed by all of the applicants or an assignee of the entire interest.

#### ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), **\$810.00 for a small entity**;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                Mail Stop Petition  
                             Commissioner for Patents  
                             P.O. Box 1450  
                             Alexandria, VA 22313-1450

By Hand:              Customer Service Window  
                             Randolph Building  
                             401 Dulany Street  
                             Alexandria, VA 22314

By Fax:                (571) 273-8300  
                             Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions

Enclosures:    Petition For Revival Of An Application For Patent Abandoned Unintentionally Under CFR 1.137(b); Form PTO/SB/64, Statement Under 37 CFR 3.73(b); Form PTO/SB/96 and Privacy Act Statement.

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: \_\_\_\_\_

Application No.: \_\_\_\_\_

Art Unit: \_\_\_\_\_

Filed: \_\_\_\_\_

Examiner: \_\_\_\_\_

Title:

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

**1. Petition Fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of \_\_\_\_\_ (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Type or Printed name\_\_\_\_\_  
Registration Number, If applicable\_\_\_\_\_  
Address\_\_\_\_\_  
Telephone Number\_\_\_\_\_  
Address

Enclosures:

- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature\_\_\_\_\_  
Typed or printed name of person signing certificate

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: \_\_\_\_\_

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: \_\_\_\_\_

Titled: \_\_\_\_\_

\_\_\_\_\_, a \_\_\_\_\_  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**JOHN MARTIN TABOADA**  
**1923 N. NEW BRAUNFELS**  
**SAN ANTONIO, TX 78208**

**MAILED**

**JUN 27 2011**

**OFFICE OF PETITIONS**

In re Application of  
Chen et al.  
Application No. 12/592,573  
Filed: November 30, 2009  
Attorney Docket No. None

**ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed December 18, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the application became abandoned on February 19, 2010. A Notice of Abandonment was mailed August 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings and fee of \$110 for one independent claim over three, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000.

Alicia Kelley-Collier  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/592,573	11/30/2009	Yihong Chen	

43649  
JOHN MARTIN TABOADA  
1923 N. NEW BRAUNFELS  
SAN ANTONIO, TX 78208

**CONFIRMATION NO. 2880**  
**POA ACCEPTANCE LETTER**



OC000000048406247

Date Mailed: 06/24/2011

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/13/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/akelley-collier/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

**MAILED**

**MAY 02 2011**

**OFFICE OF PETITIONS**

In re Application of  
Robert James Demopoulos et al  
Application No. 12/592,580  
Filed: November 27, 2009  
Attorney Docket No. 14584.0001USC2

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 28, 2011.

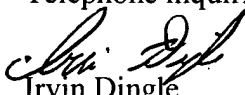
The request is **APPROVED**.

The request was signed by John C. Reich on behalf of all the practitioners of record and the practitioners associated with Customer Number 23552.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee The Barrier Group, LLC at the below address.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: The Barrier Group, LLC  
14000 Sunfish Lake Boulevard NW  
Ramsey, MN 55303



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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P.O. Box 1450  
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/592,580	11/27/2009	Robert James Demopoulos	14584.0001USC2

**CONFIRMATION NO. 3327**

**POWER OF ATTORNEY NOTICE**



OC00000004/415623

Date Mailed: 05/02/2011

23552  
MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/28/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/592,580	11/27/2009	Robert James Demopoulos	14584.0001USC2

**CONFIRMATION NO. 3327**

**POA ACCEPTANCE LETTER**

The Barrier Group, LLC  
14000 Sunfish Lake Boulevard NW  
Ramsey, MN 55303



Date Mailed: 05/02/2011

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/28/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**CARR & FERRELL LLP  
120 CONSTITUTION DRIVE  
MENLO PARK CA 94025**

**MAILED**

**NOV 08 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
FISHER, et al	:	
Application No. 12/592,581	:	DECISION ON PETITION
Filed: November 25, 2009	:	TO WITHDRAW
Attorney Docket No. PA5579US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 11, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Myrna M. Schelling on behalf of the attorneys of record associated with Customer No. 22830.

The attorneys of record associated with Customer No. 22830 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: MICHELLE FISHER  
2930 DOMINGO AVE, SUITE 123  
BERKELEY, CA 94705





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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/592,581	11/25/2009	Michelle Fisher	PA5579US

**CONFIRMATION NO. 2986**

**POWER OF ATTORNEY NOTICE**



\*OC000000050841201\*

Date Mailed: 11/07/2011

22830  
CARR & FERRELL LLP  
120 CONSTITUTION DRIVE  
MENLO PARK, CA 94025

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/11/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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CATHERINE EDNA HAMPTON  
6367 KENTSTONE DRIVE  
INDIANAPOLIS IN 46268

**MAILED**

**JUL 28 2011**

In re Application of  
Catherine Edna Hampton  
Application No. 12/592,632  
Filed: December 1, 2009  
Title of Invention: **Upholstery Dinning Chair  
Cover**

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition filed July 13, 2011 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned February 1, 2011 for failure to timely reply to the non-Final Office Action mailed August 27, 2010 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed May 9, 2011.

This matter is being referred to Technology Center 3636 for appropriate action on the amendment filed March 21, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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Cooper & Dunham LLP  
30 Rockefeller Plaza  
20<sup>th</sup> Floor  
New York NY 10112

**MAILED**  
**JUL 14 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Boo-Sung Hwang	:	
Application No. 12/592,636	:	DECISION ON PETITION
Filed: November 30, 2009	:	TO WITHDRAW
Attorney Docket No. 6342/81120	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 27, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Norman H. Zivin, on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Boo-Sung Swang  
402 New Sun-kyung Plaza  
146-1 Imae 2 dong, Bun-dang gu  
Seo-nam si, Kyung-ki do  
Republic of Korea



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/592,636	11/30/2009	Boo-Sung Hwang	6342/81120

23432  
COOPER & DUNHAM, LLP  
30 Rockefeller Plaza  
20th Floor  
NEW YORK, NY 10112

**CONFIRMATION NO. 5586**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 07/11/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101